

Federal Register

Wednesday
May 27, 1981

Highlights

- 28401 Mortgage Insurance** HUD/FHC publishes interim rule implementing the Secretary's authority requiring repayment by mortgagor of assistance payments made to lower income families.
- 28560 Truth In Lending** FRS proposes official staff interpretation. The commentary applies and interprets requirements of Truth in Lending to open-end and closed-end consumer credit. (Part II of this issue)
- 28536 Grant Programs—Nuclear Energy** NRC awarded grants of financial assistance to two technical societies to coordinate efforts to develop a Procedure Guide for performance of probabilistic analysis of safety of nuclear power plants.
- 28395 Natural Gas** ANGTS institutes standards and procedures by which the Office of the Federal Inspector will recover certain costs from the sponsoring companies for the Alaska Natural Gas Transportation System.
- 28548 Securities** Treasury/Sec'y announces auction of Series E-1986 notes.
- 28548 Securities** Treasury/Sec'y announces interest rate on notes of Series R-1983.

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Questions and requests for specific information may be directed to the telephone numbers listed under **INFORMATION AND ASSISTANCE** in the **READER AIDS** section of this issue.

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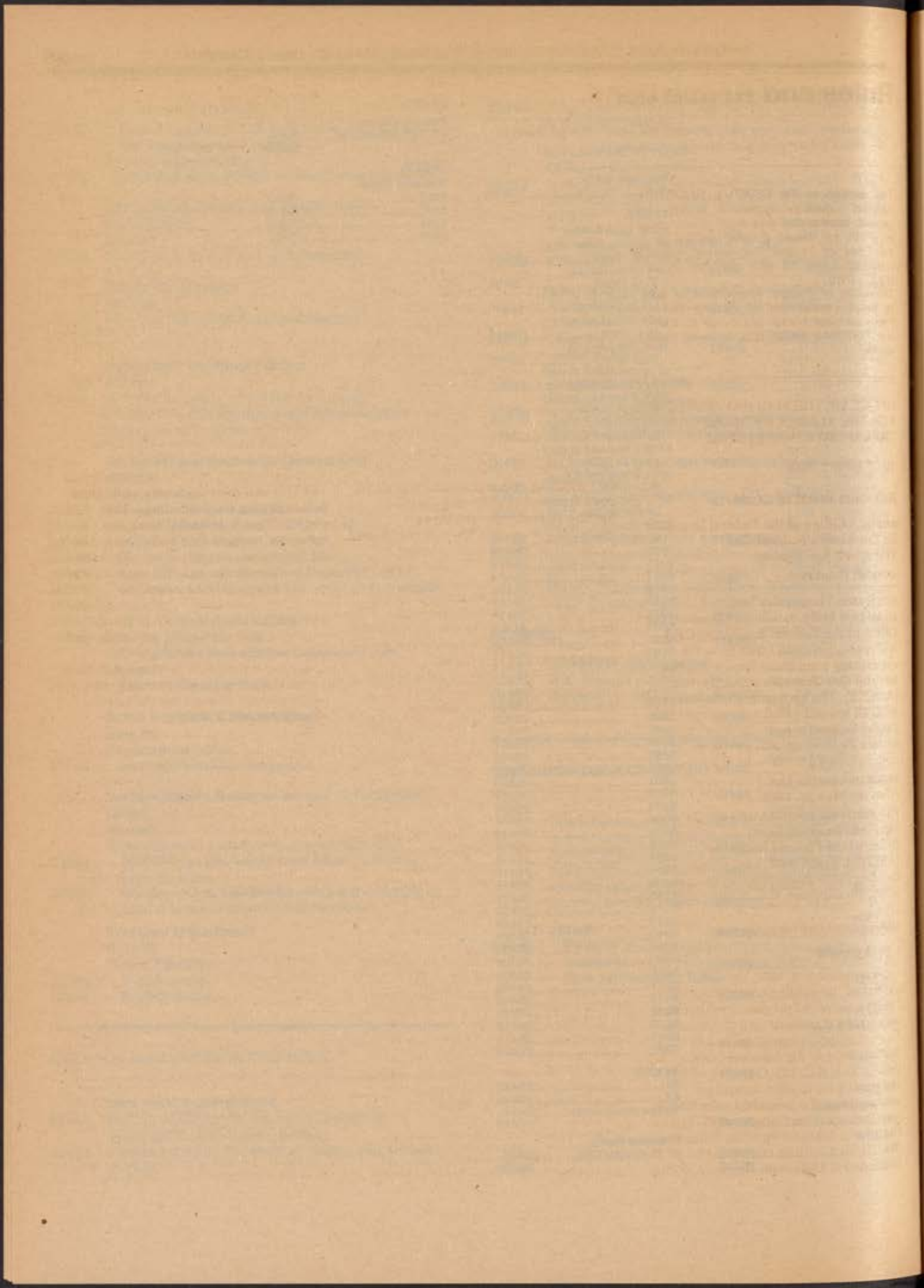
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OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

10 CFR Part 1530

Reimbursement of Costs

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Final rule.

SUMMARY: These rules institute standards and procedures by which the Office of the Federal Inspector (OFI) will recover certain costs from the sponsoring companies for the Alaska Natural Gas Transportation System (ANGTS). The sponsoring companies of ANGTS are obligated to reimburse the United States for costs incurred by certain Federal agencies relative to rights-of-way across federal lands.

EFFECTIVE DATE: These rules are effective May 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Ned Hengerer, General Counsel, Office of the Federal Inspector (ANGTS), Room 3407, Post Office Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044, (202) 275-1144.

SUPPLEMENTARY INFORMATION:

I. Background

On November 4, 1980, the OFI published for public comment (45 FR 73081) a notice of proposed rulemaking concerning standards and procedures for cost reimbursement, as required by Section 28(1) of the Mineral Leasing Act (MLA), 30 U.S.C. 185. Only the ANGTS sponsoring companies submitted comments on the proposed rule: Pacific Gas Transmission Company (PGT) and Northwest Alaskan Pipeline Company (NWA) filed written comments by December 4, 1980, with Northern Border

Pipeline Company sending a letter stating that it concurs with NWA's comments.

The background of cost reimbursement relative to ANGTS, the rationale for the OFI's approach, and a detailed explanation of the standards and procedures all appear in the notice of proposed rulemaking (45 FR 73081). This will not be reiterated, except as discussed in the context of evaluating the specific comments raised by the ANGTS sponsors.

II. Comments and Discussion

A. Percentage Reimbursement Approach

By relying only on Section 28(1) of the MLA for reimbursement authority, the OFI will seek reimbursement just for its costs incurred in enforcing specific Section 28 requirements, those associated with ANGTS crossing federal lands. To avoid the time-consuming, administratively burdensome process of allocating every element of cost between time spent on and off federal lands, these Part 1530 regulations employ a percentage approach, whereby an annually-determined percentage is applied to actual OFI costs.

The sponsors strongly object to this percentage approach, finding it imprecise and lacking adequate documentation. According to PGT, for example, "one should not sacrifice sound accounting practices in the name of expedition." NWA is even more concerned, stating that the percentage approach "has substantial constitutional implications * * *."

While the OFI appreciates the cost-consciousness of the sponsors as they insist on detailed documentation, it cannot accept the proposed changes. The heart of the issue relates to our earlier decision to limit reimbursement to Section 28(1) of the MLA, instead of requiring a greater degree of reimbursement not tied to federal lands. We declined to implement reimbursement under the Independent Offices Appropriations Act (IOAA), 31 U.S.C. 483a, in part because "past implementation of the IOAA has led to a multitude of disputes and lawsuits." 45 FR at 73083. In assessing the percentage approach, this reason not to use the IOAA should be considered.¹

¹ Whether the OFI could recover 100% of its operating costs under the IOAA, it could recover substantially more than the enforcement costs associated with federal lands. Under the IOAA a

Alternatively, the sponsors argue that, should the percentage approach be retained, the percentage must either be negotiated with the sponsors or be subject to full and immediate administrative and judicial review. They also object to the annual nature of the percentage, urging instead the opportunity to adjust the percentage throughout any given year if the actual OFI activities in the reimbursable category change: NWA wants the right to renegotiate the percentage if reimbursement billings exceed a pre-established dollar ceiling.

The OFI cannot agree with these comments because § 1530.4(c) adequately protects the sponsors' rights. The OFI will consult closely with them before setting the percentage. This coordination is essential since the sponsors' construction activities (on or off federal lands) are the moving force behind the percentage. But negotiation—to the extent that it requires the sponsors' agreement—is inappropriate. The final decision on the percentage must rest with the OFI. If the sponsors disagree with how the OFI has employed the explicit criteria set forth in § 1530.4(c)(2)(ii), they have adequate legal recourse through the protest procedures of § 1530.6.

Moreover, continuous renegotiation would thwart the main objective of the percentage approach: The OFI would have to keep detailed and burdensome records to allocate between enforcement activities on and off federal lands. Section 1530.4(c)(2)(i) does provide for adjustment of the percentage if "extraordinary and unanticipated events materially and dramatically alter the OFI's reimbursable enforcement activities." Anything more would force the OFI to abandon sole reliance on Section 28(1) of the MLA and to look to the greater level of reimbursement inherent in the IOAA.

B. Protest Procedures

The sponsors assert that the protest procedures deny them due process. They

federal agency "may recover the full cost of providing a service to an identifiable beneficiary, regardless of the incidental public benefits flowing from the provision of that service." *Mississippi Power and Light Co. v. NRC*, 601 F.2d 223, 229 (5th Cir. 1979), cert. denied, 444 U.S. 1102 (1980). See also, Department of the Interior interpretation of *Mississippi*, 45 Fed. Reg. 44518, 44522 (July 1, 1980) and 46 Fed. Reg. 5772, 5774 (January 19, 1981).

urge that § 1530.6 be revised (1) to require more detailed billing data upon which the sponsors can formulate a protest, (2) to allow for an agency hearing, and (3) to provide for appeals according to Interior Department procedures (43 CFR Part 4, Subpart E).

The OFI will not amend § 1530.6 as suggested by the sponsors. In the first place the billing procedures of § 1530.4 provide adequate data upon which a sponsor can assess OFI accuracy. More significantly, the percentage reimbursement approach, already reaffirmed, eliminates the need for detailed data accompanying each bill.

Secondly, there is no need for an agency hearing. Of course, the OFI wants to render the most informed decision possible on bill protests, and under § 1530.6(c) the OFI may hold an informal conference. But, contrary to the sponsors' argument, there is no due process right to a hearing. Because no statute requires a hearing in this context and because a protesting sponsor "always has recourse to judicial process for monetary claims against the government" (45 FR at 73082), an evidentiary hearing at the agency level is unnecessary. 5 U.S.C. § 554(a)(1).

Finally § 1530.6 provides more than adequate administrative appeals procedures. Section 1530.6 (b) and (d) affords an initial protest to the OFI Director of Administration. Section 1530.6(e) then affords the right to appeal his adverse decisions to the Federal Inspector or designee. And § 1530.6(g) gives the opportunity of an additional audit, after which the previously mentioned protest and appeals procedures are again available. After accounting for relevant factual differences, such procedures substantially follow the DOI procedures referenced in NWA's right-of-way grant.

PGT raises several detailed objections. It wants greater time to protest bills: 30 instead of 10 days to pay after denial of protest; 90 instead of 75 days to request an audit; and 1 year instead of 90 days to complete an audit. It also wants interest paid on any overpayment subsequently refunded. Finally, it objects to § 1530.6(f), which provides for OFI stopping the processing of approvals associated with non-payment of reimbursement bills.

The OFI will amend § 1530.6(d)(2), first to increase the time for paying contested bills after rejection of protest from ten to thirty calendar days, and second to increase the time after that payment to appeal to the Federal Inspector from five to thirty days. However, as for the time to request and complete an audit in § 1530.6(g), it is more than adequate, having come

explicitly from the DOI right-of-way grant to NWA (the sponsor likely to make the greatest reimbursement payments). And PGT's suggestion of interest on overpayment cannot be accepted in light of the substantial payment lag which the sponsors will already be enjoying under Part 1530: Unlike DOI, OFI will not bill until after that quarter's work is done. Finally, OFI processing of approvals should be linked to reimbursement payment when due under these regulations, notwithstanding the fact that the OFI will not rely on reimbursement payments for its own operations. With adequate legal recourse in the event of continuing dispute, there is no justification for withholding payment after protest denial.

C. Miscellaneous

The sponsors question the scope of reimbursable activities, defined in § 1530.2 as costs for "enforcing" right-of-way and permit requirements on federal lands. They point to the statutory language, "costs incurred in monitoring," as somehow being less than costs incurred in "enforcing." NWA takes this reasoning and suggests amending § 1530.3 to limit reimbursement to costs of the OFI field offices, thereby eliminating costs of the OFI offices of Engineering Review, Environmental Review, and Permits and Compliance.

The OFI does not agree. Comparing statutory terms out of context is unpersuasive. Moreover, the OFI must again refer back to its proposed rulemaking, where it declined, to expand reimbursement to include the IOAA: In particular, "the OFI's reimbursement regulation already provides for an adequate level of cost recovery for the U.S." 45 FR at 73083. To adopt the sponsors' comment—and thus to reduce substantially the level of cost reimbursement—would eliminate another reason for declining to implement IOAA reimbursement.*

NWA also questions the wording of § 1530.1, to the extent that it does not limit coverage of this Part to holders of rights-of-way and permits for use of federal lands. Section 28(1) of the MLA uses the term "holder." The proposed regulations use "companies sponsoring" segments of ANGTS and facilities

*PGT also challenges a statement in the preamble of the proposed rule that reimbursement is limited to enforcement "primarily" on federal lands. 45 FR at 73082. It argues that OFI reimbursement is limited "exclusively" to federal lands. The OFI need not address this comment because the regulatory language, § 1530.2(a), comports with the statutory reimbursement requirement of Section 28(1) of the MLA.

necessary or related to ANGTS and their agents. While reading §§ 1530.1 and 1530.2 together makes clear that this Part only covers "holders of rights-of-way and permits" for use of federal lands, the OFI will amend § 1530.1 to track expressly the statutory language.

The sponsors contest the 15% administrative cost allowance included in all reimbursement bills, as per § 1530.3(b)(7). PGT asserts that it should be adjusted periodically to reflect the "actual cost of the specified indirect rate components * * *." NWA adds that this 15% allowance will yield a double recovery in that other reimbursable costs, such as contractors, interagency agreements, and company-provided logistical support, already include an indirect cost factor.

While the OFI does not agree with the sponsors' rationale, it does agree to amend § 1530.3(b)(7). Specifically, while the costs to administer reimbursement will still be an express percentage component, the OFI will set the percentage annually as it consults with the sponsors in setting the annual reimbursement percentage. In that context the OFI will be better equipped to estimate its administrative costs for accounting, billing and protest.³

III. Conclusion

The OFI is publishing Part 1530 as a final rule. Based on the comments received, the proposed rule (45 FR 73081) is hereby amended to the limited extent explained above. And unless otherwise modified herein, the rationale expressed in the preamble of the proposed rule remains in effect.⁴ Moreover, the OFI is

³There are several minor comments which can be treated summarily. PGT wants § 1530.3(b)(2)(iii), including interagency support as a reimbursable cost, to require a detailed invoice. This amendment is unnecessary because the OFI will demand detailed cost justification when compensating other agencies and will in turn make that data available to the sponsors. PGT also wants input into the OFI decisionmaking over leasing or purchasing vehicles and aircraft. The OFI must answer to the Office of Management and Budget and its Congressional appropriations committees in these areas, but not to the sponsors. Finally, NWA suggests that training is not reimbursable, due to the OFI's limited tenure. The OFI cannot agree with this conclusion. If training is needed to equip OFI personnel to enforce Section 28 requirements on federal lands, when it is *ipso facto* reimbursable.

⁴As explained in the notice of proposed rulemaking (45 FR 73082), the OFI has concluded that—due to the uniqueness of OFI monitoring of ANGTS—the Interior Department's reimbursement regulations would be inappropriate here. Accordingly, the OFI acted pursuant to Section 202(c) of the Reorganization Plan as it promulgated its own reimbursement regulations for this single project. In turn Section 1-106 of Executive Order 12142 requires that this decision be reduced to writing, including "a complete factual and legal basis * * *." This was done in the proposed

issuing this final rule on these reimbursement regulations as a final agency action pursuant to Section 9 of ANGTA and/or as a "decision on enforcement matters" pursuant to Section 202(a) of the Reorganization Plan.

This final rule is not a "major rule" within the meaning of Section 1(b) of Executive Order 12291. And as required by Section 3(g)(1), the OFI explains this conclusion. While the three companies sponsoring ANGTS will reimburse the U.S. Treasury in the aggregate upwards of \$10 million annually during pipeline construction, that requirement is mandated by statute (30 U.S.C. 185(1)). This is far below the \$100 million threshold. These regulations merely provide a streamlined procedure which will reduce the administrative costs otherwise experienced by agencies when seeking the same kind of cost reimbursement. As a regulated interstate gas pipeline, ANGTS will be allowed to recover these reimbursement costs from the gas consumers, but the resulting increase in gas rates will be minor. Finally, competition, employment, investment, productivity, and innovation are not affected. The OFI has complied with Section 7(f)(2) of the Executive Order in reaching this conclusion.

Nor do the requirements of 42 U.S.C. 4332(2)(c) apply.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, 5 U.S.C. 605(b), the OFI certifies that this final rule has no significant economic impact on a substantial number of small entities. The companies described in § 1530.1, as reimbursing the U.S. under these regulations, are all very large business entities: They have to be to construct ANGTS, the largest privately-financed project in U.S. history.

Under authority of Section 9 of ANGTA, 15 U.S.C. 719g, Sections 102 and 202 of Reorganization Plan No. 1 of 1979, Section 28(1) of the MLA, 30 U.S.C. 185 and 31 U.S.C. 483a, the OFI is now amending Title 10 of the Code of Federal Regulations by adding a new Part 1530, as set forth below.

Dated: May 21, 1981.

John T. Rhett,
Federal Inspector.

PART 1530—REIMBURSEMENT OF COSTS

Sec.

- 1530.1 Coverage.
- 1530.2 Reimbursable activities.
- 1530.3 Costs to be reimbursed.
- 1530.4 Billing procedures.
- 1530.5 Payment procedures.
- 1530.6 Protest procedures.

Authority: Section 9 of the Alaska Natural Gas Transportation Act, 15 U.S.C. § 719g, Sections 102 and 202 of Reorganization Plan No. 1 of 1979, 44 Fed. Reg. 33663 (made effective by Executive Order 12142 of June 21, 1979, 44 Fed. Reg. 36927), Section 28(1) of Title 1 of the Mineral Leasing Act, 30 U.S.C. § 185; and 31 U.S.C. § 483a.

§ 1530.1 Coverage.

(a) This Part applies to the companies (or their agents) sponsoring the segments of the Alaska Natural Gas Transportation System (ANGTS) in the United States, as listed in the President's *Decision and Report to Congress on the Alaska Natural Gas Transportation System* and as subsequently restructured, renamed, or otherwise changed, to the extent that they are also holders of rights-of-way or permits for use of federal land.

(b) This Part also applies to companies sponsoring facilities which have been determined to be "necessary or related to" ANGTS, within the meaning of Section 9 of ANGTA, and thereby come within the OFI's enforcement authority, to the extent that they are also holders of rights-of-way or permits for use of federal land.

(c) This Part governs how the OFI will obtain reimbursement from the sponsoring companies described above in paragraphs (a) and (b) of this section for the costs incurred in certain of its ANGTS-related enforcement activities. It does not govern how any other federal agency might seek similar reimbursement from the sponsoring companies for ANGTS-related nonenforcement activities.

§ 1530.2 Reimbursable activities.

(a) The sponsoring companies shall reimburse the United States for the OFI's costs incurred in enforcing ANGTS right-of-way and permit requirements on federal lands, as directly required by Section 28 of the Mineral Leasing Act.

(b) Enforcement, the costs of which are reimbursable under paragraph (a) of this section immediately above, entails monitoring and any other compliance or oversight activities reasonably related to the OFI enforcement process, as established by Section 102 of Reorganization Plan No. 1 of 1979.

§ 1530.3 Costs to be reimbursed.

(a) The OFI will require reimbursement for the activities, defined by § 1530.2 as reimbursable, of the following OFI offices:

- (1) Engineering Review;
- (2) Environmental Review;
- (3) Permits and Compliance; and
- (4) Field offices located in
 - (i) Anchorage, Alaska,
 - (ii) Fairbanks, Alaska,
 - (iii) San Francisco, California,
 - (iv) Irvine, California, and
 - (v) Omaha, Nebraska.

(b) The specific costs of reimbursable activities are limited to the following:

- (1) Employee costs for
 - (i) Salaries,
 - (ii) Cost-of-living allowance (but only in Alaska),
 - (iii) Benefits,
 - (iv) Travel,
 - (v) Training, and
 - (vi) Household moves;
- (2) Outside support costs for
 - (i) Contractors,
 - (ii) Consultants, and
 - (iii) Interagency arrangements,
 whether pursuant to a

(A) Delegation under Section 202(a) of Reorganization Plan No. 1 of 1979, or

(B) Formal cooperative work sharing agreement under the Economy Act;

- (3) Office expenses for
 - (i) Relocation,
 - (ii) Supplies,
 - (iii) Rent,
 - (iv) Utilities,
 - (v) Communications, and
 - (vi) Machine rental;

(4) Material and equipment purchase or rental;

(5) Vehicle and aircraft purchase or rental;

(6) Any of the above or other support services provided by the sponsoring companies in the field on a cost recovery basis under logistical support agreements between the OFI and the sponsoring companies; and

(7) Cost to administer this Part equal to a percentage (determined annually by the OFI in the context of § 1530.4(c)(1) of the total costs under paragraphs (b)(1) thru (6) of this section.

§ 1530.4 Billing procedures.

(a) The OFI will present the sponsoring companies with a bill within 30 calendar days of the end of each calendar-year quarter for reimbursable costs incurred over that quarter for that segment of ANGTS or other facilities determined to be related to ANGTS.

(b) The bill will include the following:

rulemaking. Because the public comments did not contest this decision, it was not repeated in the final rule. Nevertheless, the OFI is presently forwarding both proposed and final rule to the Executive Policy Board, and the Federal Register publication of both documents satisfies the public availability requirement, both required by Section 1-106.

(1) Total OFI expenditures incurred for the quarter, broken down by object class per OFI office;

(2) A brief description of reimbursable activities undertaken for the quarter, broken down by OFI office;

(3) The percentage of reimbursable to non-reimbursable activities for that segment of ANGSTS, broken down by OFI office; and

(4) A calculation of the reimbursement due for that quarter, computed by multiplying the total OFI expenditures, as per paragraph (b)(1) of this section, by the reimbursable percentage, as per paragraph (b)(3) of this section.

(c) The reimbursable percentage used in paragraph (b)(3) of this section is determined as follows:

(1) Prior to the commencement of each calendar year, the OFI will consult with the sponsoring companies to ascertain their project activities for the coming year, with special identification of activities requiring reimbursable OFI enforcement activities.

(2) The OFI will then determine the reimbursable percentage for each OFI office by project segment.

(i) That percentage will apply for the entire upcoming calendar year. It will not be adjusted unless extraordinary and unanticipated events materially and dramatically alter the OFI's reimbursable enforcement activities.

(ii) The OFI will determine that percentage based upon the following factors:

(A) Amount of federal land to be crossed;

(B) Types of pre-construction or construction activities to be undertaken during that year;

(C) Proportionate amount of time each OFI office will need to monitor those activities; and

(D) Level of intensity for monitoring on federal lands as opposed to non-federal lands.

(3) If a sponsor company intends to contest any of the reimbursable percentages, it may not do so until, but must do so when, it receives its first quarterly bill for the calendar year at issue. It must then follow the procedures set out below in §§ 1530.5 and 1530.6.

§ 1530.5 Payment procedures.

(a) Payment of reimbursable costs should be made, as billed, to the OFI, specifically identified for U.S. Treasury Account Number 2469.

(b) Payment should be made within 30 calendar days of receipt of billing.

(c) The sponsoring company making payment under this Section should simultaneously notify the OFI Director of Financial Management of that payment.

(d) If the sponsoring company contests any part of the bill, rendered pursuant to § 1530.4, it must nonetheless pay the uncontested balance, and then proceed under § 1530.6 immediately below.

§ 1530.6 Protest procedures.

(a) If and when a sponsoring company contests any part of an OFI bill, as per § 1530.5(d) of this part, it shall act pursuant to this Section.

(b) The contesting company must append to its partial payment a petition fully justifying its action, including the following items:

(1) A clear description of the contested amount, with detailed reference, by cost category and office, to the OFI bill;

(2) A full explanation of the legal basis for contesting payment; and

(3) Where relevant, a counterstatement of the facts at issue.

(c) In its sole discretion the OFI may orally or in writing request further support for the petition contesting reimbursement, including convening an informal conference to explore the matter further.

(d) After reviewing the petition, along with any further information, the OFI, through its Director of Administration, will rule on the petition within thirty calendar days, notifying the petitioner in writing of the decision.

(1) If the Director accepts the contesting company's position and thus grants the petition, the partial payment previously rendered under § 1530.5(d) will be deemed to satisfy fully the quarterly bill rendered under § 1530.4.

(2) If the Director rejects the contesting company's position and thus rejects the petition, the petitioner

(i) Shall make payment of the contested and previously withheld amount within thirty calendar days, and

(ii) May within thirty calendar days after payment appeal the Director's adverse finding to the Federal Inspector, pursuant to paragraph (e) of this section.

(e) The Federal Inspector or designee will render a final decision on any appeal of the Director's adverse finding within sixty calendar days of receipt, unless the appellant has failed to make full payment to the OFI, as per paragraph (d)(2)(i) of this section.

(1) If the Federal Inspector or designee grants the appeal, the OFI will either return to the appellant the contested payment within thirty calendar days or credit the appellant's next quarterly bill.

(2) If the Federal Inspector denies the appeal, the appellant may institute appropriate judicial action to recover the contested payment.

(f) If and when a contesting company refuses to make full payment following the Director's adverse finding on its petition (in contravention of paragraph (d)(2)(i) of this section, the OFI may stop work on any applications for regulatory approval submitted by the company and pending before the OFI under Reorganization Plan No. 1 of 1979. The schedule and cost consequences will be attributed to the noncompliant company.

(g) Notwithstanding paragraphs (a) thru (f) of this section the company making full payment of reimbursable costs may undertake the following:

(1) Within seventy-five calendar days of receipt of the OFI quarterly bill, as per § 1530.4, the company may request to conduct an audit of the bill.

(2) The company will complete that audit within ninety calendar days of the request and at its own expense.

(3) If, based on that audit, the company contests any part of the bill, it may petition for the return of the contested payments pursuant to the procedures set forth above in paragraphs (b) thru (e) of this section where appropriate.

[PR Doc. 81-15007 Filed 5-28-81; 8:45 am]

BILLING CODE 6820-AW-M

FEDERAL RESERVE SYSTEM

12 CFR Part 265

[Docket No. R-0359]

General Counsel Authority To Approve Exceptions Under Regulation L

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending its Rules Regarding Delegation of Authority in order to delegate to its General Counsel authority to grant certain exceptions to the prohibitions against management interlocks among depository institutions contained in the Depository Institution Management Interlocks Act (12 U.S.C. 3201 *et seq.*). The delegation authorizes the Board's General Counsel to grant the exceptions when the primary federal supervisory agency of the depository organization in need of management service has granted the exception. This action is intended to expedite reviews of requests for exceptions provided in Regulation L (12 CFR 212.3(b)).

EFFECTIVE DATE: May 20, 1981.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason, Senior Counsel (202/452-3564), or Melanie Fein, Attorney (202/452-3594), Legal Division, Board of

Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Depository Institution Management Interlocks Act ("Interlocks Act"), which generally prohibits management interlocks among certain depository institutions, authorizes the Board of Governors to permit interlocking relationships involving bank holding companies and state member banks that would otherwise be prohibited under the Act. 12 U.S.C. 3206. In § 212.3(b) of its Regulation L (12 CFR 212.3(b)), the Board has provided for such exceptions. If the relationship involves a depository organization subject to the supervision of another Federal supervisory agency, § 212.3(b) provides that the management official involved must also obtain the prior approval of that other agency.

The exceptions in § 212.3(b) are generally designed to allow interlocking service when one of the institutions involved in the interlock is in particular need of management expertise. In administering these provisions, it has been the Board's experience that the exceptions available under Regulation L most often relate to the managerial needs of depository institution for which the Board is not the primary federal supervisor, i.e. institutions other than State member banks or bank holding companies. In such cases, section 212.3(b) of Regulation L requires the Board to rely on the assessment of the depository institution's primary Federal supervisor in determining whether to grant an exception. In order to expedite review of exception requests when the primary Federal supervisor of the affected institution has approved the exception, the Board is delegating to its General Counsel the authority to grant such exceptions. Under this delegation, exceptions for institutions in need of management expertise for which the Board is the primary supervisor will continue to be considered by the Board.

The provisions of section 553 of Title 5, United States Code, relating to notice, public participation, and deferred effective date have not been followed in connection with the adoption of this amendment because the change to be effected is procedural in nature and does not constitute a substantive rule subject to the requirements of that section. The Board's extended rulemaking procedures (44 FR 3,957 (1979)) have not been followed because the amendment is a technical one and because it relieves a burden that could obstruct necessary and prompt action that would be in the public interest.

In order to implement this delegation, § 265.2(b) of the Board's Rules Regarding

Delegation of Authority is amended by adding subparagraph (9) to read as follows:

§ 265.2 Specific functions delegated to board employees and to Federal Reserve Banks.

(b) * * *

(9) Under the provisions of § 212.3(b) of this chapter (Regulation L relating to interlocking relationships permitted by Board order), to grant exceptions from the prohibitions of Regulation L when the primary Federal supervisor of the depository institution in need of management assistance has approved the exception.

Board of Governors of the Federal Reserve System, May 20, 1981.

James McAfee,

Assistant Secretary of the Board.

(FR Doc. 81-15678 Filed 5-26-81; 8:45 am)

BILLING CODE 6210-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1206

Availability of Agency Records to Members of the Public

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: Section 7(b) of the Inspector General Act of 1978, Pub. L. 95-452, 5 U.S.C. App. I, provides that the Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of an investigation.

This revision of Part 1206 is to delegate authority to the Office of the Inspector General to make initial and final determinations under the Freedom of Information Act concerning the release of specified records. These procedures should minimize the risk of inadvertent disclosure of confidential sources and in general aid in retention of control of Inspector General investigations within the Office of Inspector General.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Francis P. LaRocca, Attorney-Advisor to the Inspector General, (202) 755-8405.

SUPPLEMENTARY INFORMATION: In order to further protect the identities of confidential sources, a separate system for processing Freedom of Information

Act requests for designated documents is established. Requests for records subject to this separate system include requests for audit and investigative documents originating in the Office of the Inspector General, documents from outside the Government related to an audit or investigation, documents prepared in response to a request from or addressed to the Office of the Inspector General, or other documents originating within the Office of the Inspector General. Initial determinations on Freedom of Information Act requests will be made by the Assistant Inspector General for Audit, the Assistant Inspector General for Investigations or their designees. Final determinations will be made by the Inspector General or designee. Since the subject matter of this revision merely implements statutory requirements and pertains to internal rules and procedures for processing Freedom of Information Act requests, notice and public comments thereon are found to be inapplicable and unnecessary under 5 U.S.C. 553(b) (A) and (B). This revision is not considered to be a major rule for the purposes of E.O. 12291.

14 CFR Chapter V, Part 1206 is amended by revising the Table of Contents—Subpart 5—Responsibilities, and § 1206.101 (c) and (d), § 1206.500, § 1206.502(a), § 1206.503, § 1206.504, § 1206.505, § 1206.601(c), § 1206.602(c), § 1206.603(d), § 1206.605 (a), and (b)(1) and (b)(5), § 1206.606, § 1206.607(a), and § 1206.704.

1. Subpart 5—Responsibilities, Table of Contents is revised to read as follows:

Subpart 5—Responsibilities

Sec.	
1206.500	Associate Deputy Administrator.
1206.501	General Counsel.
1206.502	Field and component installations.
1206.503	NASA Headquarters.
1206.504	Inspector General.
1206.505	Delegation of authority.

2. In § 1206.101, paragraphs (c) and (d) are revised to read as follows:

§ 1206.101 Definitions.

(c) The term "appeal" means a request by a member of the public to the Administrator or designee, or, in the case of records as specified in § 1206.504, to the Inspector General or designee for reversal of any adverse initial determination the requestor has received in response to a request for an agency record.

(d) The term "final determination" means a decision by the Administrator

or designee, or, in the case of records as specified in § 1206.504, by the Inspector General or designee on an appeal.

3. In § 1206.500, the introductory text is revised to read as follows:

§ 1206.500 Associate Deputy Administrator.

Except as otherwise provided in § 1206.504, the Associate Deputy Administrator is responsible for the following:

4. In § 1206.500(b), the title "Assistant Administrator for Public Affairs" is changed to "Director, Public Affairs Division."

5. In § 1206.502, paragraph (a) is revised to read as follows:

§ 1206.502 Field and component installations.

(a) Except as otherwise provided in § 1206.504, the Director of each NASA Installation or the Official-in-Charge of each Component Installation is responsible for the following:

6. In § 1206.503, the introductory text of paragraph (a) is revised to read as follows:

§ 1206.503 NASA Headquarters.

(a) Except as otherwise provided in § 1206.504, the Director, Headquarters Administration Division, is responsible for the following:

7. In § 1206.503(b), the title "Assistant Administrator for Public Affairs" is changed to "Director, Public Affairs Division."

8. Present § 1206.504 is redesignated as new § 1206.505 and a new § 1206.504 is added to read as follows:

§ 1206.504 Inspector General.

(a) The Inspector General or designee is responsible for making final determinations under § 1206.607 within the time limits specified in Subpart 6 of this part, with respect to audit and investigative documents originating in the Office of the Inspector General, documents from outside the Government related to an audit or investigation, documents prepared in response to a request from or addressed to the Office of the Inspector General, or other documents originating within the Office of the Inspector General, after consultation with the General Counsel or designee on an appeal of an initial determination to the Inspector General.

(b) The Assistant Inspectors General or their designees are responsible for making initial determinations under §§ 1206.603 and 1206.604 with respect to audit and investigative documents originating in the Office of the Inspector General, documents from outside the

Government related to an audit or investigation, documents prepared in response to a request from or addressed to the Office of the Inspector General, or other documents originating with the Office of the Inspector General, after consultation with the Attorney-Advisor to the Inspector General.

(c) The Inspector General or designee is responsible for insuring that requests for agency records as specified in paragraphs (a) and (b) of this section are processed and initial determinations are made within the time limits specified in Subpart 6 of this part.

(d) The Inspector General or designee is responsible for determining whether unusual circumstances exist under § 1206.608 as would justify the extension of the time limit for an initial or final determination, for records as specified in paragraphs (a) and (b) of this section.

(e) Records as specified in paragraphs (a) and (b) of this section include any records located at Regional Inspector General Offices as well as records located at the Headquarters' Office of the Inspector General.

9. In § 1206.601, paragraph (c) is revised to read as follows:

§ 1206.601 Mail requests.

(c) If a fee is chargeable under Subpart 7 of this part for search or duplication costs incurred in connection with a request for an agency record, and the requestor knows the amount of the fee at the time of the request, the request should be accompanied by a check or money order payable in that amount to the "National Aeronautics and Space Administration." Cash or stamps should not be sent by mail. If the amount of the fee chargeable is not known at the time of the request, the requestor will be notified in the initial determination (or in a final determination) of the amount of the fee chargeable (see § 1206.608(c)). For circumstances in which an advance estimate of fees shall be provided to the requestor, see § 1206.701.

10. § 1206.602 is amended by revising paragraph (c) to read as follows:

§ 1206.602 Requests in person.

(c) If the record requested is located at the Information Center or otherwise readily obtainable, it shall be made available to the requestor upon the payment of any fees that are chargeable (see Subpart 7 of this part), which fees may be paid in cash or by a check or money order payable to the "National Aeronautics and Space Administration." If the record requested is not located at the Information Center or otherwise readily obtainable, the request will be

docketed at the Information Center and processed in accordance with the procedures in § 1206.603 and § 1206.604, with any fee chargeable being handled in accordance with § 1206.601(c).

11. In § 1206.603, paragraph (d) is revised to read as follows:

§ 1206.603 Procedures and time limits for initial determination.

(d) Any notification of an initial determination that does not comply fully with the request for an agency record shall include a statement of the reasons for the adverse determination, include the name and title of the person making the initial determination, and notify the requestor of the right to appeal to the Administrator, or the Inspector General, as appropriate, under § 1206.605.

12. In § 1206.605, paragraphs (a) and (b) (1) and (5), are revised to read as follows:

§ 1206.605 Appeals.

(a) A member of the public who has requested an agency record in accordance with §§ 1206.601 or 1206.602, and who has received an initial determination which does not comply fully with the request, may appeal such an adverse initial determination to the Administrator, or, for records as specified in § 1206.504, to the Inspector General under the procedures of this section.

(b) The Appeal must:

(1) Be addressed to the Administrator, NASA Headquarters, Washington, DC 20546, or, for records as specified in § 1206.504, to the Inspector General, NASA Headquarters, Washington, DC 20546;

(5) Be sent to the Administrator or the Inspector General, as appropriate, within 30 calendar days of the date of receipt of the initial determination.

13. § 1206.606 is revised to read as follows:

§ 1206.606 Requests for additional records.

If, upon receipt of a record (or portions thereof) following an initial determination to comply with a request, the requestor believes that the materials received do not comply with the request, the requestor may elect either to request additional records under the procedures of §§ 1206.601 or 1206.602, or to file on appeal under the procedures of § 1206.605, in which case the appeal must be sent to the Administrator, or to the Inspector General, in the case of records as specified in § 1206.504, within

30 days of receipt of the record (or portions thereof), unless good cause is shown for any additional delay.

14. In § 1206.607, paragraph (a) is revised to read as follows:

§ 1206.607 Action on appeals.

(a) Except as provided in § 1206.608, the Administrator or designee, or in the case of records as specified in § 1206.504, the Inspector General or designee, shall make a final determination on an appeal and notify the requestor thereof, within 20 working days after the receipt of the appeal.

15. § 1206.704 is revised to read as follows:

§ 1206.704 Form of payment.

Payment by mail shall be made by check or money order payable to the "National Aeronautics and Space Administration" and sent to the NASA Information Center which processed the request.

A. M. Lovelace,
Acting Administrator.

May 4, 1981.

[FR Doc. 81-15753 Filed 5-28-81; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 235

[Docket No. R-81-916]

Mortgage Insurance and Assistance Payments for Home Ownership and Project Rehabilitation; Mortgage Insurance and Assistance Payments for Lower Income Families

AGENCY: Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: These changes and modifications are made to comply with the intent of the Housing and Community Development Act of 1980. These regulations will implement the Secretary's authority to require repayment by mortgagor under Section 235(c) of assistance payments made to lower income families.

DATE: May 27, 1981. Comments due date: Comments must be received on or before July 27, 1981.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 5218, Department of

Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection during regular business hours at the above address. The interim rule may be changed on the basis of comments received.

FOR FURTHER INFORMATION CONTACT:

Richard B. Buchheit, Director, Single Family Mortgage Servicing Division, Office of Single Family Housing, Department of Housing and Urban Development, Washington, D.C. 20410, Telephone (202-755-6700) (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Housing and Community Development Act of 1980, which was signed into law on October 8, 1980, amended Section 235 of the National Housing Act to provide for the recapture of all, or a portion of the assistance payments made on behalf of mortgagors who obtain insured financing under Section 235(i). Mortgagors who obtain insured financing pursuant to Section 235(i) and subject to the recapture provisions imposed by Section 235(c) will be required to execute a second mortgage and note to assure repayment to the Secretary of the lesser of the amount of assistance actually received on their behalf or at least 50 percent of the net appreciation of the property. The amount of the second mortgage shall be determined by the maximum amount of assistance that could be expected to be paid over the term of the mortgage.

"Net appreciation" as defined in this part shall mean any increase in the value of the property over the original purchase price, less the reasonable costs of sale, and, less the reasonable costs of improvements made to the property.

The Congress directed the Secretary to provide incentives for the homeowner to maintain the property and, to the extent practicable, structure the regulations consistent with those developed by the Department of Agriculture (FmHA). The Department of Agriculture stated that with a provision for recapture, the amount the mortgagor received in subsidy and net proceeds from the sale after recapture will be equal to or greater than the amount received from a sale by a nonsubsidized mortgagor, which provides a maintenance incentive to the subsidized mortgagor. We concur with the Department of Agriculture that the mortgagor will be encouraged to maintain the property in order to increase the sale price of the property. Recapture shall be required when the

mortgagor (a) disposes of the property to a homeowner not qualified to receive assistance payments, or (b) ceases to make payments on the mortgage for a period of 90 continuous days, or (c) has rented the property for more than one year, or (d) requests a release of the Secretary's lien on the property.

The statutory implementation date for this provision is April 9, 1981. Further delay of the publication of this rule will result in the inability of the Field Offices to close those Section 235 mortgages for which the recapture provision is applicable; thus, resulting in hardships upon the home-sellers and home-buyers. Accordingly, it is impracticable to provide for public comment prior to the effective date of this rule, however, interested persons are invited to submit comments as provided above. All timely comments received will be considered before adoption of a Final Rule.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR 50, which implement Section 102(2)(c) of the National Environment Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. In addition, the Chairmen and Ranking Minority Members of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives have waived the prepublication review of this rule provided for in Section 7(o)(2) of the Department of Housing and Urban Development Act and the delay of effective date required by Section 7(o)(3) of the Department of Housing and Urban Development Act.

Pursuant to § 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

Section 235 is listed as 14.105 Interest Reduction—Homes for Lower Income Families, in the catalog of Federal Domestic Assistance.

Accordingly, it is proposed that 24 CFR Part 235 be amended by adding a new § 235.12 as follows:

§ 235.12 Recapture of assistance payments.

(a) With respect to any mortgage insured under this part pursuant to a firm commitment issued after the

effective date of these Regulations, the mortgagor shall repay to the Secretary any assistance received under this part in the amount provided in paragraph (b) of this section when the mortgagor:

- (1) Disposes of the property to a homeowner not qualified to receive assistance payments, or
- (2) Has rented the property for more than one year, or
- (3) Requests a release of the Secretary's lien on the property, or
- (4) Ceases to make payments on the mortgage for a period of 90 continuous days which period may be extended if the Secretary determines that:

(i) The mortgagor will be able to resume full payments on the insured mortgage within a reasonable period of time, or

(ii) The mortgagor will participate in the Section 230 program.

(b) The amount of assistance to be repaid by the mortgagor shall be the lesser of the amount of assistance actually received under this part (other than handling charges) or 50 percent of the net appreciation of the property.

(c) The term "net appreciation of the property" as used in this section shall mean any increase in the value of the property over the purchase price, as of the time the mortgage is accepted for insurance less the reasonable costs of sale and the reasonable costs of improvements made to the property.

(d) The mortgagor shall execute such documents as the Secretary shall require to assure repayment to the Secretary of the amounts provided in this paragraph.

Authority: The provisions of this Part 235 issued under Section 211 of the National Housing Act (12 U.S.C. 1709, 1715).

Issued at Washington, D.C., April 9, 1981.

George O. Hipps, Jr.,

Acting Assistant Secretary for Housing—
Federal Housing Commissioner.

[FR Doc. 81-15812 Filed 5-26-81; 8:45 am]

BILLING CODE 4210-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[A-3-FRL 1823-1]

Standards of Performance for New Stationary Sources; Delegation of Authority to the State of Delaware

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This document amends EPA's regulations (40 CFR 60.4) to reflect

delegation of authority to the State of Delaware to implement and enforce certain standards of performance for new stationary sources. This delegation is based on a request from the State of Delaware that it be given this enforcement authority.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Ben Mykijewycz, Environmental Engineer, Air Enforcement Branch, Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Telephone (215) 597-9387.

SUPPLEMENTARY INFORMATION:

I. Background

On December 23, 1980, the State of Delaware requested delegation of authority to implement and enforce certain standards of performance for new stationary sources for electric utility steam generating units for which construction is commenced after September 18, 1978. The request was reviewed and on April 27, 1981 a letter was sent to John E. Wilson III, Secretary, Department of Natural Resources and Environmental Control, approving the delegation and outlining its conditions. The approval letter specified that if Secretary Wilson or any other representatives had any objections to the conditions of delegation they were to respond within ten (10) days after receipt of the letter. As of this date, no objections have been received.

II. Regulations Affected by This Document

Pursuant to the delegation of authority for Standards of Performance for New Stationary Sources to the State of Delaware, EPA is today amending 40 CFR 60.4, *Address*, to reflect this delegation. A Notice announcing this delegation is published in today's Federal Register. The amended § 60.4, which adds the address of the Delaware Department of Natural Resources and Environmental Control, to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, as set forth below.

III. General

The Administrator finds good cause for forgoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the

parties affected. The delegation which is reflected by this administrative amendment was effective on May 11, 1981, and it serves no purpose to delay the technical change of this address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 111 of the Clean Air Act, as amended.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is an administrative change and is not a major rule because it is not likely to result in:

An annual effect on the economy of \$100 million or more;

A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(42 U.S.C. 7411)

Dated: April 27, 1981.

Thomas C. Voltaggio,

Acting Director, Enforcement Division.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4, paragraph (b) is amended by revising subparagraph (I) to read as follows:

§ 60.4 Address.

• • • • •
(b) • • • • •

(I) State of Delaware (for fossil fuel-fired steam generators; incinerators; nitric acid plants; asphalt concrete plants; storage vessels for petroleum liquids; sulfuric acid plants; sewage treatment plants; and electric utility steam generating units), Delaware Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Delaware 19901.

[FR Doc. 81-15813 Filed 5-26-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 180

[PH-FRL-1835-2; OPP-300040A]

Tolerances and Exemptions for Tolerances for Chemicals in or on Raw Agricultural Commodities; Potassium Hydroxide**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This regulation amends 40 CFR 180.1001(e) by establishing an exemption from the requirement of a tolerance for the inert (or occasionally active) ingredient potassium hydroxide in pesticide formulations when applied to animals. This regulation was requested by Hopkins Agricultural Chemical Co.

EFFECTIVE DATE: Effective on May 27, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7110).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of February 10, 1981 (46 FR 11681) that Hopkins Agricultural Chemical Co., Box 7532, Madison, WI 53707, had requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, establish an exemption from the requirement of a tolerance for the inert ingredient potassium hydroxide when applied to animals.

No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Therefore, it is concluded that the amendment to 40 CFR 180.1001(e) will protect the public health, and it is established as set forth below.

Any person adversely affected by this regulation may, on or before June 26, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulations deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds

legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register on May 4, 1981 [46 FR 24950].

Effective on: May 27, 1981.
(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)))
Dated: May 13, 1981.

Edwin L. Johnson,
Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart D of 40 CFR Part 180 is amended by alphabetically inserting the inert ingredient "potassium hydroxide" in the table under § 180.1001(e) to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

Inert ingredients	Limits	Uses
Potassium Hydroxide.	Meeting Food Chemicals Codex specifications.	Neutralizer.

[FR Doc. 81-15620 Filed 5-26-81; 8:45 am]
BILLING CODE 6550-32-M

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****43 CFR Public Land Order 5896**

[CA 2613]

California; Reservoir Site Restoration No. 54; Revocation of Reservoir Site Reserve No. 21

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order which withdrew 3,039.12 acres for a reservoir site reserve. Of the total acreage, 119.90 acres will be opened to operation of the public land laws; 2,599.17 acres of public lands remain withdrawn from operation of the public land laws, by Public Land Order No. 2693 of June 7, 1962. All of the public lands will be opened to nonmetalliferous mineral location under the mining laws. The remaining 320.05 acres are privately owned lands.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office 918-484-4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of November 18, 1938, which created Reservoir Site Reserve No. 21, is hereby revoked in its entirety:

Mount Diablo Meridian

- T. 14 N., R. 6 W.,
Sec. 3, fractional $W\frac{1}{2}W\frac{1}{2}$;
Sec. 5, fractional $W\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, and $N\frac{1}{2}SW\frac{1}{4}$;
Sec. 10, $NW\frac{1}{4}NW\frac{1}{4}$.
T. 15 N., R. 6 W.,
Sec. 7, fractional $S\frac{1}{2}$;
Sec. 8, $NE\frac{1}{4}$, $SW\frac{1}{4}$, and $NE\frac{1}{4}SE\frac{1}{4}$;
Sec. 9, $E\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, and $SE\frac{1}{4}$;
Sec. 17, $SW\frac{1}{4}NW\frac{1}{4}$ and $W\frac{1}{2}SW\frac{1}{4}$;
Sec. 18, Lots 1 and 2, $SE\frac{1}{4}NE\frac{1}{4}$, and $NE\frac{1}{4}NW\frac{1}{4}$;
Sec. 20, $W\frac{1}{2}W\frac{1}{2}$;
Sec. 21, $SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 28, $SE\frac{1}{4}NE\frac{1}{4}$ and $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 29, $E\frac{1}{2}NW\frac{1}{4}$ and $SW\frac{1}{4}$;
Sec. 32, $NW\frac{1}{4}$;
Sec. 33, $E\frac{1}{2}E\frac{1}{4}$.
T. 15 N., R. 7 W.,
Sec. 12, $N\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, and $SE\frac{1}{4}$;
Sec. 13, $NE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, and $S\frac{1}{2}NW\frac{1}{4}$.

The area described above aggregates approximately 3,039.12 acres in Lake County.

2. Of the lands described in paragraph 1, the following are privately owned and not subject to disposition under the public land laws:

Mount Diablo Meridian

- T. 15 N., R. 6 W.,
Sec. 7, $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 18, Lot 1 and $NE\frac{1}{4}NW\frac{1}{4}$.
T. 15 N., R. 7 W.,
Sec. 12, $E\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$, and $SE\frac{1}{4}SW\frac{1}{4}$.

3. At 10 a.m., on June 23, 1981, the public lands described as Lot 2, $SE\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, Sec. 5, T. 14 N., R. 6 W., shall be open to operation under the public land laws generally, subject

to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The public lands will be open to location for nonmetalliferous minerals at 10 a.m., on June 23, 1981. They have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws for metalliferous minerals.

5. All the lands except those described in paragraphs 2 and 3 of this order remain withdrawn from all forms of appropriation under the public land laws by Public Land Order No. 2693 of June 7, 1962, for the Clear Lake National Cooperative Land and Wildlife Management Area.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15777 Filed 5-26-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5895

[CA-3579]

California; Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This action revokes a Secretarial Order which withdrew 120 acres of land for the Central Valley Project in California, and will simultaneously restore and open the lands to the operation of the public land laws, including the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916-484-4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order dated March 9, 1937, withdrawing the following described lands for the Central Valley Project, is hereby revoked.

Mount Diablo Meridian

T. 33 N., R. 5 W.,

Sec. 24, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

The area aggregates 120 acres in Shasta County.

2. At 10 a.m. on June 23, 1981, the lands shall be open for operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

3. The lands will be open to location under the United States mining laws at 10 a.m. on June 23, 1981. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, U.S. Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15787 Filed 5-26-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5903

[82627]

Colorado; Correction of a Departmental Order of November 11, 1943

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This action is necessary to correct an erroneous land description contained in the Departmental Order of November 11, 1943, which revoked a Departmental Order of October 9, 1917, as to Stock Driveway Withdrawals in Colorado.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Robert W. Faithful, IV, 202-343-8738 or Rodney Roberts, Colorado State Office, 303-837-3943.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

The Departmental Order of November 11, 1943, which erroneously described two tracts of land while revoking a Departmental Order of Withdrawal, Stock Driveway Withdrawal No. 2 dated October 9, 1917, is hereby corrected and such revocation made applicable as to the following described lands:

New Mexico Principal Meridian

T. 46 N., R. 1 $\frac{1}{2}$ W.,

Sec. 11, S $\frac{1}{2}$, (lots 3 and 4);

Sec. 14, N $\frac{1}{2}$, (lots 1 and 2).

The area described contains 101.47 acres in Gunnison County, Colorado.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15796 Filed 5-26-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5904

[C-12818]

Colorado; Partial Revocation of Reclamation Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes two Secretarial Orders and opens 21,998.87 acres of public land to operation of the public land laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Alvah Q. Whittedge, Colorado State Office, 303-837-5551.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Orders of May 6, 1942, as amended, and July 13, 1943, withdrawing lands for the Dewey Unit, Colorado River Storage Project, are revoked as to the following described lands:

Ute Meridian

T. 1 N., R. 3 W.,

Sec. 7, Lots 1, 2, 6 thru 9, N $\frac{1}{2}$ NE $\frac{1}{4}$,

SE $\frac{1}{4}$ NE $\frac{1}{4}$

Sec. 8, Lot 3, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$,

NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 17, Lots 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;

Sec. 18, Lots 1 thru 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ (all).

Sixth Principal Meridian

T. 10 S., R. 103 W.,

Sec. 5: Lots 1 thru 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ (all);

Sec. 6: Lots 1 thru 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ (all);

Sec. 7: Lots 1 thru 4, 7, 8, SE $\frac{1}{4}$ NE $\frac{1}{4}$,

W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 8: Lots 2, 3, 6, 7, E $\frac{1}{2}$;

Sec. 9: All;

Sec. 10: Lots 1 thru 4, W $\frac{1}{2}$ (all);

Sec. 15: Lots 1 thru 9, N $\frac{1}{2}$ NW $\frac{1}{4}$,

SW $\frac{1}{4}$ SW $\frac{1}{4}$ (all);

Sec. 16: Lots 1 thru 4, 6 thru 8, N $\frac{1}{2}$ N $\frac{1}{2}$,

S $\frac{1}{2}$ S $\frac{1}{2}$ (all);

Sec. 17: Lots 2, 3, 5 thru 7, NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$,

SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 18: Lots 2, 9 thru 11, E $\frac{1}{2}$;

Sec. 19: Lots 1, 3, 4, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;

Sec. 21: All;

Sec. 22: Lots 5 thru 8, W½;
 Sec. 27: Lots 1 thru 8, S½NW¼, SW¼.
 T. 10 S., R. 104 W.,
 Sec. 1: Lots 5 thru 8, S½N½, S½ (all);
 Sec. 12: All;
 Sec. 13: All;
 Sec. 14: All;
 Sec. 21: All;
 Sec. 22: NE¼NE¼, NW¼, N½SW¼,
 SE¼SW¼, SE¼;
 Sec. 23: Lots 1 thru 4, N½N½, SW¼NE¼,
 SE¼NW¼, SW¼, W½SE¼;
 Sec. 24: Lots 1 thru 8, NW¼NE¼,
 N½NW¼, E½SW¼, SE¼, (all);
 Sec. 25: Lot 2, E½, E½W½, SW¼SW¼;
 Sec. 26: Lots 1 thru 7, W½NE¼, NW¼;
 Sec. 27: Lots 1 thru 9, NE¼, E½NW¼;
 Sec. 28: Lots 1 thru 3, W½NE¼, SE¼NE¼,
 NW¼, NW¼SW¼, W½SE¼;
 Sec. 29: SE¼NE¼, W½, NE¼SE¼;
 Sec. 30: Lots 5 thru 8, E½, E½W½ (all);
 Sec. 31: Lots 5 thru 7, 9 thru 14, NE¼,
 E½NW¼, NE¼SW¼, N½SE¼;
 Sec. 32: Lots 1 thru 3, 4, 7, N½, N½S½;
 Sec. 33: Lots 1 thru 12, NW¼NE¼, NW¼
 (all);
 Sec. 34: Lots 1 thru 4, N½, N½S½ (all);
 Sec. 35: Lots 1 thru 4, N½, N½S½ (all).
 T. 11 S., R. 104 W.,
 Sec. 4: SE¼NE¼, SE¼;
 Sec. 5: Lots 1 thru 4, SE¼NE¼, SW¼,
 N½SE¼, SE¼SE¼;
 Sec. 6: Lots 3, 4;
 Sec. 7: Lots 1 thru 4;
 Sec. 8: E½NE¼, N½NW¼, SW¼NW¼,
 S½;
 Sec. 9: All.
 The lands described aggregate
 approximately 21,998.87 acres in Mesa
 County.

2. At 10 a.m. on June 23, 1981, the
 lands shall be open to operation of the
 public land laws generally, subject to
 valid existing rights, the provisions of
 existing withdrawals, and the
 requirements of applicable law. All
 valid applications received at or prior to
 10 a.m. on June 23, 1981, shall be
 considered as simultaneously filed at
 that time. Those received thereafter
 shall be considered in the order of filing.

3. These lands were restored to
 location and entry under the mining
 laws as published in the Federal
 Register dated August 26, 1954, FR Doc.
 54-6685.

Inquiries concerning these lands
 should be directed to the State Director,
 Bureau of Land Management, 700
 Colorado State Bank Building, 1600
 Broadway, Denver, Colorado 80228.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15799 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5913

[M-41650]

Montana; Revocation of Executive Order Dated September 7, 1917

AGENCY: Bureau of Land Management.

ACTION: Public land order.

SUMMARY: This order revokes a
 withdrawal affecting 40 acres of public
 land. This action will restore the land to
 operation of the public land laws
 generally, including location of
 nonmetalliferous minerals under the
 mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT:
 Roland F. Lee, Chief Branch of Lands
 and Minerals Operations, Montana
 State Office, 406-657-6291.

By virtue of the authority vested in the
 Secretary of the Interior by Section 204
 of the Federal Land Policy and
 Management Act of 1976, 90 Stat. 2751;
 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order dated September 7,
 1917, which withdrew the following
 described lands for the testing of
 underground water supplies is hereby
 revoked in its entirety.

Montana Principal Meridian

T. 8 S., R. 25 E.

Sec. 8: SW¼SE¼

The area described contains 40.00 acres in
 Carbon County.

2. At 10 a.m., on June 23, 1981, the land
 shall be open to operation of the public
 land laws generally, subject to valid
 existing rights, the provisions of
 withdrawals, and the requirements of
 applicable law. All valid applications
 received at or prior to 10 a.m., on June
 23, 1981, shall be considered as
 simultaneously filed at that time. Those
 received thereafter shall be considered
 in the order of filing.

3. At 10 a.m., on June 23, 1981, the land
 will be open to nonmetalliferous mineral
 location under the United States mining
 laws. The land has been and continues
 to be open to metalliferous mineral
 location under the United States mining
 laws and to applications and offers
 under the mineral leasing laws.

Inquiries concerning the lands should
 be addressed to the Chief, Branch of
 Lands and Minerals Operations, Bureau
 of Land Management, P.O. Box 30157,
 Billings, Montana 59107.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15794 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5914

[M-069826]

Montana; Revocation of Public Land Order No. 554

AGENCY: Bureau of Land Management,
 Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public
 land order which withdrew 40.02 acres
 of public land for research activities.
 The land has been conveyed to the
 Missoula County High School.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:
 Roland F. Lee, Chief, Branch of Lands
 and Minerals Operations, Montana
 State Office, 406-657-6291.

By virtue of the authority vested in the
 Secretary of the Interior, by Section 204
 of the Federal Land Policy and
 Management Act of 1976, 90 Stat. 2751;
 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 554 dated
 February 7, 1949, which withdrew the
 following described public land in
 connection with research activities of
 the Northern Rocky Mountain Forest
 and Range Experiment Station is hereby
 revoked in its entirety.

Principal Meridian

T. 13 N., R. 19 W.,

Sec. 30, SW¼SW¼ (Lot 4)

The area described contains 40.02 acres in
 Missoula County.

2. The surface estate of the NE¼ and
 W½ of Lot 4 Section 30, T. 13 N., R. 19
 W., has been conveyed from United
 States ownership pursuant to the
 Recreation and Public Purposes Act of
 June 14, 1926, as amended [43 U.S.C. 869;
 869-4]; therefore, unless and until
 appropriate rules and regulations are
 issued, the lands will not be open to
 location under the United States mining
 laws.

3. The SE¼ of Lot 4 Section 30, T. 13
 N., R. 19 W., has been determined to be
 "property" within the meaning of the
 Federal Property and Administrative
 Services Act of 1949, as amended, 40
 U.S.C. Section 471 (1974), and has been
 disposed of under the provisions of said
 Act.

4. The lands will not be opened to
 applications and offers under the
 mineral leasing laws because they are
 within the limits of an incorporated city.

Inquiries concerning the lands should
 be addressed to the Chief, Branch of
 Lands and Minerals Operations, Bureau
 of Land Management, P.O. Box 30157,
 Billings, Montana 59107.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15771 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5915

[M 35970]

Montana; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes the Secretarial Order of August 18, 1902, which withdrew lands for reclamation purposes. This action will not restore the lands to operation of the public land laws as they are embraced in allowed homestead entries.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Roland F. Lee, Chief, Branch of Lands and Minerals Operations, Montana State Office, 406-657-6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order dated August 18, 1902, which withdrew the following described lands for reclamation purposes, is hereby revoked insofar as it affects the following described lands:

Principal Meridian

T. 31 N., R. 35 E.,

Sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described contains 240 acres in Valley County.

2. The lands will not be opened to the operation of the public land laws generally as they are embraced in allowed homestead entries.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15772 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5916

[M-33115]

Montana; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes the Departmental Order of August 18, 1902, which withdrew lands for reclamation purposes. The lands are embraced in allowed homestead entries.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Roland F. Lee, Chief, Branch of Lands and Minerals Operations, Montana State Office, 406-657-6291.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Departmental Order dated August 18, 1902, which withdrew lands for reclamation purposes in the Milk River Irrigation Project is hereby revoked insofar as it affects the following described lands:

Principal Meridian

T. 31 N., R. 34 E.

Sec. 25: S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described contains 160.00 acres in Valley County.

2. The lands are embraced in allowed entries under the homestead laws.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15773 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5922

[M-30506]

Montana; Partial Revocation of Reclamation Withdrawal: Restoration of Lands to Flathead National Forest

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes several Departmental Orders which withdrew lands for the Hungry Horse Project in Flathead County, Montana. It restores 850.77 acres of lands to national forest status and opens them to operation of the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Edgar D. Stark, Montana State Office, 406-657-6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is hereby ordered as follows:

1. The Departmental Order of February 28, 1948, and Water and Power Resources Service Orders dated November 29, 1946; September 4, 1947; and June 30, 1948; concurred in by the Bureau of Land Management on December 10, 1946; December 15, 1947; and July 2, 1948; respectively, withdrawing lands for the Hungry Horse Project, are hereby revoked insofar as they affect the following described lands in the Flathead National Forest:

Principal Meridian

T. 30 N., R. 19 W.,

Sec. 8, Lots 1, 2, 5, and S $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 9, Lots 1 and 2, and W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 16, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$,

N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,

and SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, unsurveyed;

Sec. 17, Lot 1.

The area described contains 850.77 acres in Flathead County.

2. At 10 a.m. on June 23, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15788 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5917

[N-26776]

Nevada; Partial Revocation of Executive Order No. 5327

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes Executive Order No. 5327 which temporarily withdrew for investigation, examination and classification, lands considered valuable for oil shale. This action will restore approximately 4,280 acres to operation of the public land laws generally.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Vienna Wolder, Nevada State Office, 702-784-5703.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 5327 of April 15, 1930, which temporarily withdrew lands considered valuable for oil shale for the purpose of investigation, examination and classification, is hereby revoked insofar as it affects the following described lands:

Mount Diablo Meridian

T. 35 N., R. 55 E.,
Sec. 28, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 34 N., R. 55 E.,
Sec. 2, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 3, N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 4, All;
Sec. 8, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 18, All;
Sec. 22, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, W $\frac{1}{2}$ NE $\frac{1}{4}$.

and, a portion of land located within sections 28, 29 and 32, being more particularly described as follows:

Commencing at the section corner common to sections 32 and 33, T. 34 N., R. 55 E., and sections 4 and 5, T. 33 N., R. 55 E., MDM, being Corner No. 1, the Point of Beginning;

thence westerly along the section line common to section 32, T. 34 N., R. 55 E., MDM, and section 5, T. 33 N., R. 55 E., MDM, to the section corner common to sections 31 and 32, T. 34 N., R. 55 E., MDM, and sections 5 and 6, T. 33 N., R. 55 E., MDM, being Corner No. 2;

thence northerly along the section line common to sections 31 and 32, T. 34 N., R. 55 E., MDM to the section corner common to sections 31, 32, 29 and 30, being Corner No. 3;

thence northerly along the section line common to sections 29 and 30 to its intersection with the southerly right-of-way of the Western Pacific Railroad, being Corner No. 4;

thence northeasterly along said right-of-way to its intersection with the S $\frac{1}{2}$ section line of said section, being Corner No. 5;

thence easterly along said S $\frac{1}{2}$ section line to the SW $\frac{1}{4}$ corner of said section, being Corner No. 6;

thence northerly along the W $\frac{1}{2}$ section line of said section to its intersection with said right-of-way, being Corner No. 7;

thence northeasterly along said right-of-way to its intersection with the E-W $\frac{1}{4}$ section line of said section, being Corner No. 8;

thence easterly along said $\frac{1}{4}$ section line to the C $\frac{1}{4}$ corner of said section, being Corner No. 9;

thence northerly along the N-S $\frac{1}{4}$ section line of said section to its

intersection with said right-of-way, being Corner No. 10;

thence northeasterly along said right-of-way to its intersection with the N $\frac{1}{2}$ section line of said section, being Corner No. 11;

thence easterly along said $\frac{1}{2}$ section line to the NE $\frac{1}{4}$ corner of said section, being Corner No. 12;

thence northerly along the E $\frac{1}{2}$ section line of said section to its intersection with said right-of-way, being Corner No. 13;

thence northeasterly along said right-of-way to its intersection with the section line common to sections 29 and 20, being Corner No. 14;

thence easterly along said section line to the section corner common to sections 20, 21, 28 and 29, being Corner No. 15;

thence southerly along the section line common to sections 28 and 29 to the N $\frac{1}{2}$ corner common to sections 28 and 29 being Corner No. 16;

thence easterly along the N $\frac{1}{2}$ section line of section 28 to the NE $\frac{1}{4}$ corner of said section being Corner No. 17;

thence along a straight line to the E $\frac{1}{2}$ corner common to sections 28 and 33, being Corner No. 18;

thence westerly along the section line common to sections 28 and 33 to the section corner common to sections 28, 29, 32 and 33, being Corner No. 19;

thence southerly along the section line common to sections 32 and 33 to the section corner common to sections 32 and 33, T. 34 N., R. 55 E., MDM, and sections 4 and 5, T. 33 N., R. 55 E., MDM, being Corner No. 1, the Point of Beginning.

and, a portion of land located within section 15 and 22, T. 34 N., R. 55 E., being more particularly described as follows:

Commencing at a concrete street monument at the intersection of River and D Streets in the Railroad Addition to the City of Elko, County of Elko, State of Nevada, thence the southeast corner of Section 15, T. 34 N., R. 55 E., M.D.B.&M., bears S 81°13'16" E, 2750.03 feet, running thence S 65°23'30" W, 148.72 feet, to a point on the prolonged center line of River Street; thence S 37°27' E, 43.88 feet to Corner No. 1, the place of beginning, thence S 37°27' E, 455.85 feet to Corner No. 2, thence S 40°55' W, 443.68 feet to Corner No. 3, thence S 37°27' E, 167.43 feet to Corner No. 4, thence S 59°18' W, 188.30 feet to Corner No. 5, thence N 37°27' W, 460.90 feet to Corner No. 6, thence N 57°27' E, 187.69 feet to Corner No. 7, thence N 37°27' W, 183.00 feet to Corner No. 8, thence N 57°27' E, 185.25 feet to Corner

No. 9, thence N 37°27' W, 100.00 feet to Corner No. 10, thence N 57°27' E, 150.92 feet to Corner No. 11, thence S 37°27' E, 100.00 feet to Corner No. 12, thence N 57°27' E, 50.00 feet to Corner No. 13, thence N 37°27' W, 100.00 feet to Corner No. 14, thence N 57°27' E, 50.00 feet to Corner No. 1, the place of beginning.

The area described aggregates approximately 4,279.904 acres in Elko County, Nevada.

2. At 10 a.m., on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15765 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5898

[N-043897]

Nevada; Partial Revocation of Public Land Order No. 1718

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will restore 160 acres of lands to national forest status and open them to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702-784-5703.

By virtue of the authority contained in Section 204 the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1718 of August 15, 1958, withdrawing national forest lands as administrative sites, recreation areas, forest camps, and roadside zones, is hereby revoked so far as it affects the following described lands:

Mount Diablo Meridian**Toiyabe National Forest****South Twin River Administrative Site**

T. 12 N., R. 41 E. (partially surveyed).

Sec. 32, E $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 33, W $\frac{1}{2}$ SW $\frac{1}{4}$.

The area described contains 160 acres in Nye County.

2. At 10:00 a.m., on June 23, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

(PR Doc. #1-15778 Filed 5-26-81; 8:45 am)

BILLING CODE 4310-64-M

43 CFR Public Land Order 5899

(Nev-047407, Nev-047418, Nev-047419, Nev-047424, and Nev-047425)

Nevada; Partial and Total Revocation of Stock Driveway Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes four stock driveways totally and one stock driveway partially. The order restores 73,732 acres to the operation of the public land laws. The lands have been open to the mining and mineral leasing laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702-784-5703.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Departmental Orders of September 13, 1918, March 11, 1919, June 9, 1919, and June 18, 1919, creating Stock Driveway Withdrawal Nos. 37, 74, 84, and 85, are hereby revoked in their entirety. These orders withdrew the following described land:

Mount Diablo Meridian

(Nev-047407)—Stock Driveway No. 37, Nevada No. 7

T. 34 N., R. 55 E.,

Sec. 6, Lots 1 through 7, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.

T. 35 N., R. 55 E.,

Sec. 18, Lots 1 through 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$; Sec. 30, Lots 1, 2, 3, 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$.

T. 35 N., R. 54 E.,

Sec. 12, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 36 N., R. 54 E.,

Sec. 12, All;

Sec. 24, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;Sec. 36, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$.

T. 37 N., R. 54 E.,

Sec. 12, All;

Sec. 24, W $\frac{1}{2}$, SE $\frac{1}{4}$;

Sec. 36, All.

The area described aggregates 6,057.50 acres in Elko County.

(Nev-047418)—Stock Driveway No. 74, Nevada No. 18

T. 43 N., R. 56 E.,

Sec. 21, N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 22, S $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 23, W $\frac{1}{2}$ SW $\frac{1}{4}$;Sec. 24, Lots 3, 4, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 25, Lots 1, 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$;Sec. 26, N $\frac{1}{2}$.

T. 43 N., R. 57 E.,

Sec. 19, Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;Sec. 20, S $\frac{1}{2}$;Sec. 21, S $\frac{1}{2}$;Sec. 22, S $\frac{1}{2}$;Sec. 27, N $\frac{1}{2}$;Sec. 28, N $\frac{1}{2}$;Sec. 29, N $\frac{1}{2}$;Sec. 30, Lots 1, 2, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$.

The area described aggregates 4,553.02 acres in Elko County.

(Nev-047424)—Stock Driveway No. 84, Nevada No. 24

T. 26 N., R. 56 E.,

Sec. 18, All.

T. 30 N., R. 55 E.,

Sec. 2, All;

Sec. 11, E $\frac{1}{2}$;

Sec. 14, All.

T. 31 N., R. 55 E.,

Sec. 2, All;

Sec. 14, All;

Sec. 26, All.

T. 32 N., R. 55 E.,

Sec. 2, All;

Sec. 12, All;

Sec. 24, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 32 N., R. 56 E.,

Sec. 18, Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$;Sec. 30, Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 33 N., R. 55 E.,

Sec. 8, All;

Sec. 20, All;

Sec. 26, W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 28, All;

Sec. 34, N $\frac{1}{2}$ NE $\frac{1}{4}$.

T. 34 N., R. 55 E.,

Sec. 32, All.

This area described aggregates 8,760.95 acres in Elko County.

(Nev-047425)—Stock Driveway No. 85, Nevada No. 25

T. 38 N., R. 55 E.,

Sec. 10, All;

Sec. 16, All;

Sec. 20, All;

Sec. 30, Lots 1 through 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$.

T. 39 N., R. 55 E.,

Sec. 2, Lots 1 through 12, S $\frac{1}{2}$;

Sec. 11, All;

Sec. 14, All;

Sec. 23, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 26, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$;

Sec. 27, All;

Sec. 34, All.

T. 40 N., R. 55 E.,

Sec. 1, Lots 1 through 16, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 11, E $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 12, Lot 1, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 13, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 14, E $\frac{1}{2}$ E $\frac{1}{2}$;Sec. 22, SE $\frac{1}{4}$;Sec. 23, N $\frac{1}{2}$, SW $\frac{1}{4}$;Sec. 24, NW $\frac{1}{4}$;Sec. 26, W $\frac{1}{2}$;Sec. 27, E $\frac{1}{2}$;Sec. 34, E $\frac{1}{2}$;

Sec. 35, All.

T. 41 N., R. 55 E.,

Sec. 1, Lots 1 through 14, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;Sec. 12, Lots 1 through 12, W $\frac{1}{2}$;Sec. 13, Lots 1 through 12, W $\frac{1}{2}$;Sec. 24, Lots 1 through 12, W $\frac{1}{2}$;Sec. 25, Lots 1 through 12, W $\frac{1}{2}$;Sec. 36, Lots 1 through 12, W $\frac{1}{2}$;

T. 42 N., R. 55 E.,

Sec. 1, Lots 1, 2, 3, 4, 7, 8, 9, 12, 13, 14, 15,

E $\frac{1}{2}$ SW $\frac{1}{4}$;Sec. 12, Lots 2, 3, 4, 5, 8, 9, 10, 11, W $\frac{1}{2}$;Sec. 13, Lots 2, 3, 4, 5, 8, 9, 10, 11, 12, W $\frac{1}{2}$;

Sec. 24, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12,

E $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 25, Lots 1, 2, 5, 6, 7, 8, 10, 11, 12;

Sec. 36, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12,

E $\frac{1}{2}$ NW $\frac{1}{4}$;

T. 42 N., R. 56 E.,

Sec. 6, Lots 2, 3, 4, 5, 6.

T. 43 N., R. 56 E.,

Sec. 1, Lots 1, 2, 3, 4, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$,SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 2, E $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;Sec. 5, N $\frac{1}{2}$ NW $\frac{1}{4}$;Sec. 6, E $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;

Sec. 7, All;

Sec. 11, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$;Sec. 14, E $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;Sec. 18, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;Sec. 19, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,S $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 23, N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;Sec. 30, W $\frac{1}{2}$, SE $\frac{1}{4}$;Sec. 31, Lots 1 through 4, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$.

T. 44 N., R. 56 E.,

Sec. 18, Lots 9, 10, 11, 12, 13;

Sec. 19, E $\frac{1}{2}$;

Sec. 20, All;

Sec. 29, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$;Sec. 30, N $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 32, Lots 4, 5, 6, 7, 10, 11, 12, W $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 35, Lots 8, 9;

Sec. 36, Lots 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14,

NW $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 44 N., R. 57 E.,

Sec. 7, Lot 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 18, Lots 1 through 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;Sec. 19, Lots 2, 3, 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;Sec. 30, Lots 1 through 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$.

This area described aggregates 30,555.03 acres in Elko County.

2. The Department Order of March 21, 1919, creating Stock Driveway No. 75, is partially revoked as to the following described land:

(Nev-047419)—Stock Driveway No. 75, Nevada No. 19

T. 26 N., R. 55 E.,

Sec. 1, Lots 1 through 4, S½N½, S½;
 Sec. 2, Lots 1, 2, 3, S½NE¼, SE¼NW¼,
 E½SW¼, SE¼;
 Sec. 11, E½;
 Sec. 12, All;
 Sec. 13, All;
 Sec. 14, E½.

T. 27 N., R. 55 E.,

Sec. 1, Lots 3, 4;
 Sec. 2, SW¼, W½SE¼, SE¼SE¼;
 Sec. 3, Lots 1 through 4, S½N½, S½;
 Sec. 4, Lot 1, SE¼NE¼, NE¼SE¼;
 Sec. 10, N½, SE¼;
 Sec. 11, All;
 Sec. 13, S½;
 Sec. 14, N½, N½SW¼, SE¼SW¼, SE¼;
 Sec. 23, NE¼, E½NW¼, NE¼SW¼,
 NW¼SE¼;
 Sec. 24, N½, E½SW¼, SE¼;
 Sec. 25, N½;
 Sec. 26, E½;
 Sec. 35, E½, SE¼SW¼;
 Sec. 36, S½NW¼, S½.

T. 28 N., R. 55 E.,

Sec. 1, Lots 1, 2, S½NE¼, E½SW¼, SE¼;
 Sec. 2, Lots 1, 2, 3, 4, S½N½, SW¼,
 W½SE¼;
 Sec. 11, E½SE¼;
 Sec. 12, W½SW¼;
 Sec. 13, W½NW¼, SW¼;
 Sec. 14, E½, SW¼;
 Sec. 22, E½NE¼, SE¼;
 Sec. 23, All;
 Sec. 24, W½;
 Sec. 25, W½;
 Sec. 26, E½;
 Sec. 27, W½;
 Sec. 33, E½E½;
 Sec. 34, W½, SE¼;
 Sec. 35, NE¼, E½SE¼;
 Sec. 36, W½.

T. 29 N., R. 55 E.,

Sec. 13, N½, SW¼, N½SE¼, SW¼SE¼;
 Sec. 14, All;
 Sec. 23, All;
 Sec. 24, W½;
 Sec. 25, W½W½, SE¼SE¼;
 Sec. 26, All;
 Sec. 35, All;
 Sec. 36, E½NE¼, SE¼.

T. 29 N., R. 56 E.,

Sec. 5, Lots 1 through 4, S½N½, S½;
 Sec. 8, All;
 Sec. 9, All;
 Sec. 16, All;
 Sec. 17, All;
 Sec. 18, E½;
 Sec. 19, Lots 3, 4, E½, E½SW¼;
 Sec. 20, All;
 Sec. 29, N½;
 Sec. 30, Lots 1 through 4, E½, E½W½;
 Sec. 31, Lots 1 through 4, E½, E½W½.

This area described aggregates 23,806.08 acres in Elko County.

At 10 a.m., on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as

simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 12000, 300 Booth Street, Reno, Nevada 89520.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15779 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5900

[N-4592]

Nevada; Partial Revocation of Public Land Order No. 5073

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order in part as to 130 acres of national forest lands. The lands will be open to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702-784-5703.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 5073 of June 10, 1971, withdrawing national forest lands as campgrounds, a geological area, and a petroglyph cave, is hereby revoked as to the following described lands:

Toiyabe National Forest

Mount Diablo Meridian

Gold Knob Campground

T. 15 N., R. 43 E., (partially surveyed)

Sec. 1, N½NW¼.

T. 16 N., R. 43 E., (partially surveyed)

Sec. 35, SE¼SE¼SE¼;

Sec. 36, S½S½SW¼.

The area described contains 130 acres in Lander County.

2. At 10 a.m., on June 23, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15763 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5901

[Nev-043278]

Nevada; Partial Revocation of Executive Order No. 4531 Hawthorne Ammunition Depot

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive Order which withdrew public lands for the Hawthorne Ammunition Depot. The 2,600 acres involved herein remains withdrawn by Pub. L. 95-265 (92 Stat. 203) of April 24, 1978, for 5 years pending acquisition by Mineral County.

EFFECTIVE DATE: (Date of Publication)

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702-784-5703.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 4531 of October 27, 1928, withdrawing lands for the Department of the Navy for use as an ammunition depot is hereby revoked so far as it affects the following described lands:

Mount Diablo Meridian

T. 8 N., R. 29 E.,

Sec. 25, E½E½, NW¼NE¼.

T. 7 N., R. 30 E.,

Secs. 21, 27, and 35, those portions lying west of Nevada State Highway 31;
 Sec. 28, E½NW¼, NW¼NW¼, and those portions of the NE¼ and the N½SE¼ lying west of Nevada State Highway 31;
 Sec. 34, E½NW¼, N½SE¼, and those portions of the NE¼ lying southwest of Nevada State Highway 31.

T. 8 N., R. 30 E.,

Sec. 28, W½NW¼, and that portion of the NW¼SW¼ lying north of Nevada State Highway 95;

Sec. 29, All;

Sec. 30, All.

The area described aggregates approximately 2,600 acres in Mineral County.

2. All of the above described lands remain withdrawn from all forms of appropriation under the public land laws generally, including the mining and mineral leasing laws under the provisions of Pub. L. 95-265 which directs the Secretary of the Interior to sell any or all of the lands herein described to Mineral County, Nevada, upon payment of the appraised value plus the costs of appraisal, surveys and extinguishing adverse claims.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15800 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5918

[NM-38783]

New Mexico; Revocation of Public Land Order No. 4790

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew lands for use of the Water and Power Resources Service as a reservoir site. This action will restore 400 acres of lands to operation of the public land laws generally.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505-988-6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 4790 of April 2, 1970, which withdrew the following described public lands for the purpose of constructing Cutter Dam Site is hereby revoked in its entirety:

New Mexico Principal Meridian

T. 29 N., R. 8 W.

Sec. 32, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.

The area described contains 400 acres in San Juan County.

2. At 10 a.m. on June 23, 1981, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter

shall be considered in the order of filing. All of the mineral rights in the described lands belong to the State of New Mexico.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands Section, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15799 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5919

[NM 18123]

New Mexico; Partial Revocation of National Forest Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order in part as to 50 acres of public land withdrawn as an administrative site located in the Santa Fe National Forest. This action opens the land to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505-988-6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1095 of March 15, 1955, which withdrew lands for use as an administrative site is hereby revoked insofar as it affects the following described lands:

Santa Fe National Forest

New Mexico Principal Meridian

Canada Camino Administrative Site

T. 23 N., R. 2 E.

Sec. 2, S $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 50 acres in the Rio Arriba County.

2. At 10 a.m., on June 23, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15790 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5920

[NM 39742]

New Mexico; Revocation of Public Land Order No. 49

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a border patrol withdrawal affecting 635.54 acres of public lands withdrawn for use by the Department of Justice in connection with the training of officers for border patrol. This action will restore the lands to operation of the public land laws, including the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505-988-6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 49 of October 30, 1942, which withdrew the following described public lands for use of the Department of Justice in connection with the training of officers for border patrol is hereby revoked in its entirety:

New Mexico Principal Meridian

T. 27 S., R. 3 E.

Sec. 30.

The area described contains 635.54 acres in Dona Ana County.

2. At 10 a.m., on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 23, 1981, the lands will be open to location under the United States mining laws. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Lands Section, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15791 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5921

[NM 27227]

New Mexico; Powersite Restoration No. 746; Partial Revocation of Water Power Designation No. 1, and Powersite Reserve No. 548

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes two Executive Orders which withdrew lands for power purposes affecting 240 acres of land in Taos County. This action permits restoration of the lands to operation of the mining laws provided appropriate rules and regulations are issued to allow mineral location on lands conveyed pursuant to the Recreation and Public Purposes Act.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505-988-6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Orders of August 7, 1916, creating Water Power Designation No. 1, and the Executive Order of September 30, 1916, creating Powersite Reserve No. 548, as construed by Interpretation No. 188 of June 15, 1932, are hereby revoked insofar as they affect the following described lands:

New Mexico Principal Meridian

T. 24 N., R. 11 E.,
Sec. 10, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 16, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 21, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 240 acres in Taos County.

2. The surface estate of the lands has been conveyed to the State of New Mexico pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869-4); therefore, unless and until appropriate rules and regulations are issued, the lands will not be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Lands Section, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15702 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5875

[OR 20226]

Oregon; Revocation of Public Water Reserve No. 78

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order as to 160 acres of the land withdrawn for use as a public water reserve. The lands remain segregated from the public land laws generally, including the mining laws, for the Hart Mountain National Antelope Refuge.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of June 14, 1921, which withdrew lands for use as a public water reserve, is hereby revoked in its entirety:

Willamette Meridian

Public Water Reserve No. 78

T. 36 S., R. 25 E.,
Sec. 11, W $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$.

The area described contains 160 acres in Lake County.

2. The lands remain withdrawn by Proclamation No. 2416 of July 25, 1940, as part of the Hart Mountain National Antelope Refuge, therefore, they remain segregated from operation of the public land laws generally, including the mining laws (30 U.S.C. Ch. 2).

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 15, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15706 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5886

[OR 17484]

Oregon; Partial Revocation of Public Land Order No. 4289 and Bureau of Land Management Order of January 24, 1956

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order and a Bureau of Land Management Order in part as to 519.69 acres of lands withdrawn for reclamation purposes. This action will restore the lands to operation of the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order 4289 of October 5, 1967, and Bureau of Land Management Order of January 24, 1956, which withdrew certain lands for use by the Water and Power Resources Service (formerly Bureau of Reclamation) for reclamation purposes in connection with the Rogue River Basin Project are hereby revoked so far as they affect the following described lands:

Willamette Meridian

T. 38 S., R. 4 W.,
Sec. 22, Lot 9.
T. 37 S., R. 5 W.,
Sec. 20, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 38 S., R. 5 W.,
Sec. 10, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 39 S., R. 7 W.,
Sec. 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 40 S., R. 7 W.,
Sec. 4, Lots 1 and 2, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 39 S., R. 8 W.,
Sec. 24, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 40 S., R. 8 W.,
Sec. 10, N $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 22, Lots 1, 2, and 8 (formerly Lot 5),
and NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 24, Lot 3.

The areas described contain 519.69 acres in Jackson and Josephine Counties.

2. At 10 a.m., on June 23, 1981, the lands will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

3. The lands are withdrawn for multiple use management by Public

Land Order No. 5490 of February 12, 1975, and therefore remain segregated from operation of the public land laws generally.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15785 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5908

[OR 18997]

Oregon; Partial Revocation of Public Water Reserve No. 131

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 40 acres of public land withdrawn as a public water reserve. This action will restore the land to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 5344 of May 8, 1930, which withdrew certain lands for public water reserve purposes, is hereby revoked so far as it affects the following described land:

Willamette Meridian

Public Water Reserve No. 131

T. 36 S., R. 23 E.,
Sec. 32, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described contains 40 acres in Lake County, Oregon.

2. At 10 a.m. on June 23, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on June 23, 1981, the land will be open to nonmetalliferous mineral

location under the United States mining laws. The land has been and continues to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15767 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5910

[OR 18999]

Oregon; Partial Revocation of Public Water Reserve No. 133

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 40 acres of public land withdrawn as a public water reserve. This action will restore the land, which has been added to the Fremont National Forest, to such forms of disposition as may by law be made of such lands.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 5478 of November 8, 1930, which withdrew the following described land for public water reserve purposes is hereby revoked insofar as it affects the following described land:

Willamette Meridian

Fremont National Forest

Public Water Reserve No. 133

T. 37 S., R. 16 E.,
Sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 40 acres in Lake County, Oregon.

2. At 10 a.m. on June 23, 1981, the land which has been added to the Fremont National Forest by Proclamation No.

2143 of October 14, 1935, will be open to such forms of disposition as may by law be made of national forest lands.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15775 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5911

[OR 20232]

Oregon; Partial Revocation of Public Water Reserve No. 85

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 40 acres of public land withdrawn as a public water reserve. This action will restore the land, which has been added to the Fremont National Forest, to such forms of disposition as may by law be made of such lands.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of November 27, 1922, which withdrew certain lands for public water reserve purposes is hereby revoked insofar as it affects the following described land:

Willamette Meridian

Fremont National Forest

Public Water Reserve No. 85

T. 41 S., R. 17 E.,
Sec. 9, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 40 acres in Lake County.

2. At 10 a.m. on June 23, 1981, the land, which has been added to the Fremont National Forest by Proclamation No. 2143 of October 14, 1935, will be open to such forms of disposition as may by law be made of national forest lands.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15774 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5892

(OR 19002-A)

Oregon; Partial Revocation of Public Water Reserve No. 148

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 360 acres of public lands withdrawn as a public water reserve. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 6019 of February 7, 1933, which withdrew certain lands for public water reserve purposes is hereby revoked insofar as it affects the following described public lands:

Willamette Meridian

Public Water Reserve No. 148

T. 40 S., R. 39 E.,
Sec. 32, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, and
W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 33, NW $\frac{1}{4}$.

The area described aggregates 360 acres in Malheur County.

2. At 10 a.m. on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on June 23, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

(FR Doc. 81-15780 Filed 5-26-81; 8:45 am)

BILLING CODE 4310-84-M

43 CFR Public Land Order 5869

(OR 20221-D)

Oregon; Partial Revocation of Public Water Reserve No. 61

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive Order which withdrew certain lands as a public water reserve. The lands remain withdrawn under the administrative jurisdiction of the Navy Department for the Boardman Bombing Range.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of February 25, 1919, which withdrew the following described public lands for a public water reserve is hereby revoked:

Willamette Meridian

Public Water Reserve No. 61

T. 2 N., R. 25 E.,
Sec. 22, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described contains 120 acres in Morrow County.

2. The lands remain withdrawn by Executive Order No. 8651 of January 23, 1941, from all forms of appropriation under the public land laws generally, including the mining and mineral leasing laws for the Navy Department's Boardman Bombing Range.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 15, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

(FR Doc. 81-15781 Filed 5-26-81; 8:45 am)

BILLING CODE 4310-84-M

43 CFR Public Land Order 5871

(OR-19003)

Oregon; Revocation of Public Water Reserve No. 150

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order which withdrew 40 acres of public land as a public water reserve. This action will restore the land to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 20, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 6040 of February 20, 1933, which withdrew the following described public land for a public water reserve is hereby revoked:

Willamette Meridian

Public Water Reserve No. 150

T. 28 S., R. 37 E.,
Sec. 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 40 acres in Malheur County.

2. At 10 a.m., on June 20, 1981, the public land described above will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 20, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 20, 1981, the public land described above will be open to nonmetalliferous mineral location under the United States mining laws. The land has been and continues to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 15, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15702 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5872

[OR 20234]

Oregon; Partial Revocation of Public Water Reserve No. 87

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 60 acres of public lands withdrawn as a public water reserve. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 20, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of November 9, 1923, which withdrew certain land for public water reserve purposes is hereby revoked so far as it affects the following described public land:

Willamette Meridian

Public Water Reserve No. 87

T. 31 S., R. 33 E.,

Sec. 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 29, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 60 acres in Harney County.

2. At 10 a.m., on June 20 1981, the public lands described above will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 20, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 20, 1981, the public lands described above will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 15, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15703 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5887

[OR 19470]

Oregon; Revocation of Executive Order No. 7601

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order which withdrew 40 acres as a material site for use by the Bureau of Land Management. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 7601 of April 7, 1937, which withdrew the following described public lands for use by the Bureau of Land Management as a material site, is hereby revoked:

Willamette Meridian

T. 41 S., R. 14 E.,

Sec. 5, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 40 acres in Klamath County.

2. At 10 a.m. on June 23, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on June 23, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15793 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5874

[OR 20418]

Oregon; Revocation of Recreational Withdrawal No. 14

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial Order which withdrew 77.31 acres of lands for protection of recreational values. This action permits restoration of the lands to operation of the mining laws, provided appropriate rules and regulations are issued to allow mineral location on lands conveyed pursuant to the Recreation and Public Purposes Act.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of August 27, 1928, which withdrew the following described lands for recreational purposes, is hereby revoked in its entirety:

Willamette Meridian

Recreational Withdrawal No. 14

T. 9 S., R. 44 E.,

Sec. 6, Lots 3 and 4.

The area described contains 77.31 acres in Baker County.

2. The surface estate of the above described lands has been conveyed from United States ownership pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869, 869-4); therefore, unless and until appropriate rules and regulations are issued, the lands will not be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director,

Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 15, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15794 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5884

[OR 20411]

Oregon; Revocation of Stock Driveway Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes Secretarial orders which withdrew 275.11 acres of land for use as a stock driveway. This action will restore the lands to operation of the public land laws generally.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Orders of November 10, 1927, and May 12, 1931, which withdrew the following described public land for a stock driveway, are hereby revoked:

Willamette Meridian

T. 4 S., R. 31 E.,

Sec. 28, W $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 30, Lots 1, 2, and 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described aggregates 275.11 acres in Umatilla County, Oregon.

2. At 10 a.m., on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been and continue to be open to location under the mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15795 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5909

[ORE 05521]

Oregon; Revocation of Public Land Order No. 1555

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew 116.12 acres of public land as an administrative site. This action will restore the lands to operation of the public land laws generally, including the mining and mineral leasing laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1555 of November 19, 1957, which withdrew the following described public lands for use by the Bureau of Land Management as an administrative site, is hereby revoked:

Willamette Meridian

Lily Lake Administrative Site

T. 33 S., R. 32 $\frac{1}{2}$ E.,

Sec. 1, Lots 1, 2, and SW $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described contains 116.12 acres in Harney County.

2. At 10 a.m., on June 23, 1981, the above described public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 23, 1981, the above described public lands will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15801 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5912

[ORE 010767]

Oregon; Revocation of Public Land Order No. 2920

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew 80.00 acres for the Garden Clubs Reseeding Project. This action will restore the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 2920 of January 30, 1963, which withdrew the following described public lands for the Garden Clubs Reseeding Project, is hereby revoked:

Willamette Meridian

T. 26 S., R. 13 E.,

Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$.

The area described contains 80.00 acres in Lake County.

2. At 10 a.m., on June 23, 1981, the lands shall be open to operation of the public land laws generally subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 23, 1981, the lands will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15776 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5885

[U-4793]

Utah; Powersite Restoration No. 683 Revocation of Powersite Withdrawals in Whole or in Part

AGENCY: Bureau of Land Management,
Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes two Executive Orders which withdrew about 313,080 acres of land for administrative purposes in connection with powersite reservations affecting the Colorado and San Juan Rivers in Utah. The lands remain withdrawn under the Act of October 27, 1972, 86 Stat. 1311-1313, for the Glen Canyon National Recreation Area under the jurisdiction of the National Park Service. They are also in a Water and Power Resources Service First Form Withdrawal.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:
Ken Latimer, Utah State Office, 801-524-4245.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, and pursuant to the determination of the Federal Energy Regulatory Commission (formerly the Federal Power Commission) in DA-190-Utah, it is ordered as follows:

1. The Executive Order of July 2, 1910, creating Powersite Reserve No. 40 and Executive Order of July 10, 1910, creating Powersite Reserve No. 122, and any interpretations of either, are hereby revoked so far as they affect the following described lands:

Salt Lake Meridian

Powersite Reserve No. 40

Tps. 43 and 44 S., R. 4 E.;
Tps. 42, 43, and 44 S., R. 5, 6, and 7 E.;
Tps. 41, 42, and 43 S., R. 8 E.;
Tps. 39 to 43 S., R. 9 E.;
Tps. 37 to 42 S., R. 10 E.;
Tps. 36 to 41 S., R. 11 E.;
Tps. 34 to 39 S., R. 12 E.;
Tps. 33 to 38 S., R. 13 E.;
Tps. 33 to 37 S., R. 14 E.;
Tps. 33, 34, 36, S., R. 15 E.;
Tps. 32, 33, and 34 S., R. 16 E.;
Tps. 31 to 34 S., R. 17 E.;
Tps. 32 and 33 S., R. 18 E.

Containing approximately 238,200 acres in Wayne, Garfield, Kane, and San Juan Counties.

Powersite Reserve No. 122

Tps. 41 and 42 S., R. 10 E.;
Tps. 40, 41, and 42 S., R. 11 to 15 E.

Containing approximately 74,860 acres in San Juan County.

2. All of the lands are included in the Glen Canyon National Recreation Area, under the jurisdiction of the National Park Service, pursuant to the Act of October 27, 1972, 86 Stat. 1311-1313. They are also withdrawn by the Water Power Resources Service for reclamation purposes. Accordingly, the lands remain closed to disposition under the public land laws, including the mining laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15784 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5894

[U-22010]

Utah; Revocation of Executive Order No. 4181

AGENCY: Bureau of Land Management,
Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive Order which withdrew lands for classification and pending legislation. This action will restore 272 acres of public lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT:
Ken Latimer, Utah State Office, 801-524-4245.

By virtue of authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 4181 of March 24, 1925, which temporarily withdrew the following described lands in conjunction with the Zion National Park, is hereby revoked:

Salt Lake Meridian

T. 42 S., R. 10 W., (partially surveyed)
Sec. 3, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 10, SW $\frac{1}{4}$.

The area described contains 272 acres in Washington County.

2. At 10 a.m. on June 23, 1981, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The public lands will be open to location under the United States mining laws at 10 a.m. on June 23, 1981. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-15796 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5897

[U-43723]

Utah; Revocation of Public Land Order No. 1261

AGENCY: Bureau of Land Management,
Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew lands for use of the U.S. Geological Survey in connection with a sediment testing laboratory site. The lands remain withdrawn under the Act of October 27, 1972, for the Glen Canyon National Recreation Area under the jurisdiction of the National Park Service. They are also in a Water and Power Resources Service First Form Withdrawal.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT:
Ken Latimer, Utah State Office, 801-524-4245.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

Public Land Order No. 1261 of December 14, 1955, which withdrew lands for use of the U.S. Geological Survey as a sediment testing laboratory site, is hereby revoked:

Salt Lake Meridian

T. 34 S., R. 13 E., (partially surveyed)

Sec. 35, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 36, Lot 1.

Containing 44.99 acres in Garfield County.

2. The lands are included in the Glen Canyon National Recreation Area under the jurisdiction of the National Park Service, pursuant to the Act of October 27, 1972, 86 Stat. 1311-1313. They are also withdrawn by the Water and Power Resources Service for reclamation purposes. Accordingly, the lands remain closed to disposition under the public land laws generally, including the mining laws.

3. At 10 a.m. on June 23, 1981, the lands will be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

(FR Doc. 81-15786 Filed 5-26-81; 8:45 am)

BILLING CODE 4310-84-M

Salt Lake Meridian

T. 33 S., R. 23 E.,

Sec. 28, SW $\frac{1}{4}$ SW $\frac{1}{4}$;Sec. 35, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 60 acres in San Juan County.

2. The lands described above have been classified under the Recreation and Public Purposes Act of June 14, 1926, as amended, 43 U.S.C. 869; 869-4, and leased to the City of Monticello for the purpose of expanding its water supply. The lands, therefore, will not be subject to other use or disposition under the public land laws, including the mining laws.

The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

(FR Doc. 81-15802 Filed 5-26-81; 8:45 am)

BILLING CODE 4310-84-M

43 CFR Public Land Order 5905

(U-11029)

Utah; Revocation of Forest Service Administrative Site**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Public land order.

SUMMARY: This order revokes a public land order which withdrew and reserved lands for administrative site purposes by the Department of Agriculture, Forest Service. The subject property has been transferred to the Bureau of Land Management, Department of Interior, pursuant to the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

EFFECTIVE DATE: May 27, 1981.**FOR FURTHER INFORMATION CONTACT:** J. K. Latimer, Utah State Office, 801-524-4245.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 5011 of January 26, 1971, which withdrew the following described lands as an administrative site for use by the Department of Agriculture, Forest Service, is hereby revoked:

Salt Lake Meridian

T. 36 S., R. 3 W.,

Sec. 7, Lots 1 and 2.

The area described contains 68.66 acres in Garfield County, Utah.

2. The lands have been determined to be "property" within the meaning of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. Section 471 (1974), and have been disposed of under the provisions of that Act. As such, the lands are no longer subject to operation of the public land laws, including the mining and mineral leasing laws.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

(FR Doc. 81-15803 Filed 5-26-81; 8:45 am)

BILLING CODE 4310-84-M

43 CFR Public Land Order 5906

(OR-22186 (Wash.))

Washington; Revocation of Executive Order Dated March 4, 1896, as Amended, and Modified**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Public land order.

SUMMARY: This order revokes an Executive Order which withdrew 125.91 acres of land for military purposes, as amended, and modified by Executive Order No. 3893 of August 13, 1923, to provide for disposition of the lands by the Secretary of the Interior. This action permits restoration of the lands to operation of the mining laws provided appropriate rules and regulations are issued to allow mineral location on lands conveyed pursuant to the Recreation and Public Purposes Act.

EFFECTIVE DATE: May 27, 1981.**FOR FURTHER INFORMATION CONTACT:** Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of March 4, 1896, which withdrew the following described lands for military purposes, as amended, and modified by Executive Order No. 3893 of August 13, 1923, to provide for disposition of the lands by the Secretary of the Interior, is hereby revoked:

Willamette Meridian

T. 38 N., R. 2 W.,

Sec. 24, Lots 1 through 6, inclusive

Sec. 25, Lot 5;

Sec. 26, Lots 5 and 10;

Sec. 27, Lot 1;

Sec. 36, Lot 1.

The area described aggregates 125.91 acres in San Juan County, Washington.

43 CFR Public Land Order 5902

(U-26541)

Utah; Revocation of Executive Order No. 1568, Baker Ranger Station Administrative Site Addition**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Public land order.

SUMMARY: This order revokes a withdrawal of 60 acres of lands as an addition to the Baker Ranger Station Administrative Site. The lands are classified as suitable for leasing under the Recreation and Public Purposes Act; therefore, remain closed to the general public land laws including the mining laws.

EFFECTIVE DATE: May 27, 1981.**FOR FURTHER INFORMATION CONTACT:**

Ken Latimer, Utah State Office, 801-524-4245.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 1568 of July 23, 1912, which withdrew public lands as an addition to the Baker Ranger Station for the administration of the LaSal National Forest (now the Manti-LaSal National Forest) is hereby revoked in its entirety:

2. The surface estate of the lands has been conveyed from United States ownership pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869-4); therefore, unless and until appropriate rules and regulations are issued, the lands will not be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
[FR Doc. 81-15804 Filed 5-26-81; 8:45 am]
BILLING CODE 4310-64-M

43 CFR Public Land Order 5907

[OR 22208 (Wash.)]

Washington; Revocation of Executive Order No. 4654

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order which withdrew 4.92 acres of land for classification in aid of legislation. This action permits restoration of the lands to operation of the mining laws provided appropriate rules and regulations are issued to allow mineral location on lands conveyed pursuant to the Recreation and Public Purposes Act.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 4654 of May 23, 1927, which withdrew the following described lands for classification in aid of legislation, is hereby revoked:

Willamette Meridian

T. 34 N., R. 1 E.,
Sec. 22, Lot 4;
Sec. 25, Lot 7.

The area described aggregates 4.92 acres in Skagit and Island Counties, Washington.

2. The surface estate of the lands has been conveyed from United States ownership pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869-4);

therefore, unless and until appropriate rules and regulations are issued, the lands will not be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 18, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
[FR Doc. 81-15805 Filed 5-26-81; 8:45 am]
BILLING CODE 4310-64-M

43 CFR Public Land Order 5876

[W-56443]

Wyoming; Partial Revocation of Reclamation Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes Bureau of Reclamation (now Water Power Resources Service) withdrawals affecting 605.52 acres of public lands. This action will restore the lands to operation of the public land laws, including the mining laws.

EFFECTIVE DATE: June 20, 1981.

FOR FURTHER INFORMATION CONTACT: Scott Gilmer, Wyoming State Office, 307-778-2220, extension 2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order of August 30, 1956, Public Land Order No. 3061 of May 1, 1963, and Public Land Order No. 3292 of December 13, 1963, which withdrew public lands for use by the Bureau of Reclamation in connection with the Shoshone Extensions Unit of the Pick-Sloan Missouri Basin Program, are hereby revoked insofar as they affect the following described public lands:

Sixth Principal Meridian

T. 51 N., R. 98 W.,
Sec. 29, Lots 4, 5, 11, 13, 18, 28, 29, 30,
SW $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 30, Lots 16, 25, and 26;
Sec. 31, Lots 25 and 26;
Sec. 32, Lots 29 and 30;
Tracts 86-A, 86-B, 87-A, 87-B, 90-A, 90-B,
and 90-C.

The area described contains 605.52 acres in Park County.

2. At 10:00 a.m., on June 20, 1981, the lands shall be open to operation of the public land laws generally, subject to

valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m., on June 20, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the United States mining laws at 10:00 a.m., on June 20, 1981. The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Dated: May 15, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
[FR Doc. 81-15797 Filed 5-26-81; 8:45 am]
BILLING CODE 4310-64-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations; Arizona, et al.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the

Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period

of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevation

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Superior (town), Pinal County, FEMA-5978	Queen Creek	Intersection of Mary Drive (Ford) and Queen Creek	*2,644
			Intersection of Stansberry Avenue (Ford) and Queen Creek	*2,780
Maps available for inspection at Town Clerk's Office, 734 W. Main Street, Superior, Arizona.				
California	Del Rey Oaks (city), Monterey County, FEMA-5978	Arroyo Del Rey	Fremont Boulevard culvert inlet	*29
			Upstream side of Rosita Road over channel	*57
			Upstream side of State Highway 68 over channel	*117
Maps available for inspection at City Hall, 550 Canyon Del Rey Road, Del Rey Oaks, California.				
California	Salinas (city), Monterey County, FEMA-5978	Gabilan Creek	100 feet upstream of intersection of East Laurel Drive Extension and Gabilan Creek	*50
		Natividad Creek	100 feet upstream of intersection of East Laurel Drive Extension and Natividad Creek	*45
		Reclamation ditch	200 feet upstream of intersection of State Highway 183 (North Main Street) and Reclamation Ditch	*43
		Santa Rita Creek	50 feet downstream of intersection of North Main Street and Santa Rita Creek	*74
Maps available for inspection at City Hall, 200 Lincoln Avenue, Salinas, California.				
Georgia	City of Riceboro, Liberty County (FEMA/5927)	Riceboro Creek (flooding controlled by hurricane tides from the coast of Georgia)	Just upstream of Seaboard Coast Line Railroad	*11.0
			Just upstream New State Road 25 (new U.S. Highway 17)	*10.5
Maps available for inspection at City Hall, Riceboro, Georgia 31323.				
Idaho	Bonneville County (unincorporated areas), FEMA-5978	Snake River	200 feet upstream from center of U.S. Highway 26	*5,246
			100 feet upstream from center of Dam (approximately 2 miles upstream from Idaho Falls corporate limits)	*4,735
		Snake River west channel	200 feet upstream from center of private road	*4,735
		Palisades Creek	100 feet upstream from U.S. Highway 26	*5,362
		Rainey Creek	200 feet upstream from center of Ranger Station Road	*5,280
		Sand Creek	Intersection of Crowley Road and East 21st Street	#2
			200 feet northwest from intersection of Ammon-Lincoln Road and Township Road	*4,706
Maps available for inspection at Bonneville County Courthouse, 605 N. Capitol Avenue, Idaho Falls, Idaho.				
Illinois	(V) Spring Grove, McHenry County (Docket No. FEMA-5978)	Nippersink Creek	Downstream corporate limits	*758
			Approximately 500 feet upstream of Bilvin Street	*760
			Upstream corporate limits	*764
		North Spring Creek	At confluence with Nippersink Creek	*761
			About 70 feet downstream of dam	*781
			Just upstream of dam	*791
			Approximately 4,700 feet upstream of dam	*624
		East fork North Spring Creek	At confluence with North Spring Creek	*761
			About 100 feet upstream of private road (first crossing)	*766
			At upstream corporate limits	*789
		South Spring Creek	About 510 feet upstream of mouth	*762
			Just upstream of Hetchery Road	*775
			Just upstream of Highway Street	*785
			About 120 feet upstream of U.S. Route 12	*794
			At the upstream corporate limits	*824
		Shallow flooding (overflow from North Spring Creek)	About 400 feet east of Nippersink Creek and 2,660 feet north of Spring Lake Road	#1
Maps available for inspection at the Clerk's Office, Spring Grove, Illinois.				
Indiana	(T) Fountain City, Wayne County (Docket No. FEMA-5978)	Nolands Fork	About 350 feet downstream of U.S. Highway 27	*1,069
			Downstream corporate limit	*1,091
			Just downstream of Fountain City Pike	*1,096
			Upstream corporate limit	*1,100
Maps available for inspection at the City Building, 312 West Main Street, Fountain City, Indiana.				
Indiana	(C) Greenfield, Hancock County (Docket No. FEMA-5973)	Brandywine Creek	About 490 feet downstream Steel Road	*853
			About 600 feet downstream Road 100 South	*859
			Just downstream of Conrail	*866
			About 1000 feet upstream of County Road 100 North	*872
			About 120 feet downstream of Interstate 70	*876
			About 310 feet downstream County Road 300 North	*879
		Little Brandywine Creek	At mouth	*854

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)			
Indiana	(T) Greens Fork, Wayne County (Docket No. FEMA-5978)	Greens Fork	About 400 feet upstream County Road 100 South	*871			
			About 200 feet downstream of Conrail	*880			
			Just upstream of Conrail	*883			
			About 200 feet upstream of County Road 100 North	*894			
			About 0.17 mile upstream of County Road 400 east (Near Interstate 70)	*907			
			Potts Ditch	At mouth	*864		
			About 100 feet downstream of Conrail	*869			
			About 200 feet upstream of Conrail	*874			
			Just downstream of west 4th Street	*884			
			Just downstream of County Road 100 North	*890			
			About 0.55 mile upstream of County Road 200 North	*904			
			Putter Ditch	At mouth	*862		
			About 75 feet downstream of State Route 9	*872			
			Just upstream of State Route 9	*879			
			About 800 feet upstream of State Route 9	*879			
			Maps available for inspection at the Building Commissioner's Office, Municipal Building, 110 South State Street, Greenfield, Indiana.				
			Indiana	(T) Greens Fork, Wayne County (Docket No. FEMA-5978)	Greens Fork	About 200 feet downstream of Norfolk and Western Railway	*1,002
About 1000 feet upstream of Pearl Street	*1,006						
Maps available for inspection at the Building Inspector's Office, P.O. Box 177, 12 S. Maple Street, Greens Fork, Indiana.							
Kentucky	Unincorporated areas of Harrison County (FEMA-5973)	South fork Licking River	Just upstream of Keller Dam	*707			
			Just upstream of Pleasant Street	*713			
			Just upstream of Lair Road	*718			
			Just upstream of Old Lair Road	*732			
			Flat Run	Just upstream of Church Street	*713		
			Just upstream of U.S. Highway 62	*730			
			Grays Run	At the confluence of tributary "B"	*715		
			Tributary "B"	Just upstream of the double 4' x 12' box culvert's inlet	*719		
			Just upstream of U.S. Highways 62 and 27 near intersection with Cornersville Road	*721			
			Just upstream of U.S. Highways 62 and 27 (upstream crossing near the junction of U.S. Highways 62 and 27)	*730			
Maps available for inspection at Harrison County Courthouse, Main Street, Cynthiana, Kentucky 41031.							
Maryland	Annapolis, city, Anne Arundel County (Docket No. FEMA-6000)	Chesapeake Bay	Entire shoreline within corporate limits	*7			
Maps available for inspection at the Municipal Building, Duke of Gloucester Street, Annapolis, Maryland.							
Maryland	Highland Beach, town, Anne Arundel County (Docket No. FEMA-6000)	Chesapeake Bay	Entire shoreline within corporate limits	*7			
Maps available for inspection by contacting Mayor Gary Browne at (202) 727-1851.							
Massachusetts	Palmer, town, Hampden County (Docket No. FEMA-5955)	Chicopee River	50' upstream of Corporate Limits	*281			
			1/4 mile downstream of Bridge Street	*299			
			Upstream side of Bridge Street	*296			
			Approximately 190' upstream of Central Vermont Railroad Bridge	*301			
		Quabog River	Approximately 50' downstream of Springfield Street	*301			
			Upstream side of Palmer Street	*310			
			Upstream side of Central Vermont Railroad Bridge	*311			
			Upstream side of Massachusetts Turnpike	*312			
			Downstream side of Wilbraham Street	*314			
			Upstream side of Conrail	*317			
			Downstream side of Central Vermont Railroad Bridge	*321			
			Upstream side of Lower Palmer Road	*326			
			1/4 mile upstream of Lower Palmer Road	*335			
			1,585' downstream of U.S. Route 20	*345			
			Upstream side of U.S. Route 20	*350			
			1 mile downstream of Conrail Bridge	*357			
			1,040' downstream of Conrail Bridge	*367			
			Upstream side of Conrail Bridge	*373			
			Upstream side of Washington Street	*374			
			1/4 mile upstream of Washington Street	*384			
			Upstream side of Massachusetts Turnpike	*386			
			2 1/2 miles upstream of Washington Street	*395			
			1/4 mile downstream of the intersection of Boston Road and Warren Road	*406			
			1/4 mile downstream of the intersection of Boston Road and Warren Road	*415			
			1/4 mile south of the intersection of Boston Road and Warren Road	*425			
			400' downstream of the intersection of Boston Road and Warren Road	*435			
			800' upstream of the intersection of Boston Road and Warren Road	*445			
			1,800' upstream of the intersection of Boston Road and Warren Road	*455			
			2,400' upstream of the intersection of Boston Road and Warren Road	*465			
		Ware River	Confluence with Chicopee and Quabog Rivers	*301			
			Confluence of Swift River	*310			
			Upstream side of State Route 181	*312			

Final Base (100-Year) Flood Elevation—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Massachusetts		Swift River	3,590' upstream of State Route 181	*322
			318' downstream of Main Street	*332
			Upstream side of Main Street	*333
			Downstream side of downstream dam	*339
			Upstream side of downstream dam	*345
			100' downstream of Church Street	*355
			Upstream side of Church Street	*358
			Downstream side of upstream dam	*361
			Upstream side of upstream dam	*370
			Upstream side of State Street	*377
			First upstream Corporate Limits	*379
			Downstream Corporate Limits	*383
			Second Upstream Corporate Limits	*395
			Confluence with Ware River	*310
			Upstream side of Central Vermont Railroad Bridge	*314
			2,138' downstream of River Street	*324
			Upstream side of River Street	*331
			Downstream side of Otis Company Dam	*332
			Upstream side of Otis Company Dam	*343
			Upstream side of Factory Road	*350
			Downstream side of Otis Company Dam	*352
			Upstream side of Otis Company Dam	*366
			Downstream side of Corporate Limits	*366
Maps available for inspection at the Conservation Commission, Town Hall, Palmer, Massachusetts.				
Michigan	(Twp) Bedford, Monroe County (Docket No. FEMA-5978)	Halfway Creek	About 800 feet downstream U.S. Highway 25	*582
			Just downstream of Chessie Salem	*586
			Just upstream of Chessie System	*590
			About 1,750 feet downstream of Hickory Hill Road	*605
			Just downstream of Smith Road	*608
			Just upstream of Douglas Road	*611
			Approximately 1,290 feet upstream of Secor Road	*617
			Just downstream of western corporate limits	*633
		Indian Creek	Just upstream of Ann Arbor Railroad	*592
			Just downstream of Lewis Avenue	*606
			Just downstream of Jackman Road	*629
			Just downstream of Douglas Road	*656
			Just downstream of Temperance Road	*659
		Flat Creek	Just upstream of Minx Road	*598
			Just downstream of Temperance Road	*616
			Just upstream of Ann Arbor Railroad	*620
			About 1,500 feet upstream Lewis Avenue	*621
		Kelley-Doty drain	Approximately 1,100 feet downstream of Chessie system	*591
			Approximately 3,000 feet upstream of Sterns Road	*604
		Salter drain	Confluence with Indian Creek	*620
			Just downstream of Jackman Road	*623
			Approximately 1,900 feet upstream of Jackman Road	*627
		Bragden ditch	Confluence with Indian Creek	*596
			Just downstream of Lewis Road	*601
			Just upstream of Lewis Road	*610
			Just downstream of Bernard Street	*627
		Spring Brook	Approximately 1,400 feet upstream of Bernard Street	*631
			Approximately 950 feet upstream of mouth at Halfway Creek	*612
			Just upstream of Sterns Road	*625
			Just downstream of Secor Road	*648
			Approximately 1,250 feet upstream of Monroe Road	*660
Maps available for inspection at the Clerk's Office, Bedford Township Hall, 8100 Jackman Road, Temperance, Michigan.				
Michigan	(C), Hudson, Lenawee County (Docket No. FEMA-5978)	Bean Creek	Downstream corporate limits	*896
			Just upstream Mechanic Street	*900
			Just upstream old railroad grade	*905
			About 7,250 feet upstream old railroad grade	*809
		Shallow flooding	Intersection of Market Street and Park Street	*896
Maps available for inspection at the Clerk's Office, City Hall, 121 North Church Street, Hudson, Michigan.				
Michigan	(C), Livonia, Wayne County (Docket No. FEMA-5678)	Upper Rouge River	At Inkster Road	*630
			Just upstream Inkster Road	*632
			Just downstream Eight Mile Road	*644
		Bell Branch	Just upstream of Inkster Road	*621
			About 1,390 feet downstream Merriman Road	*630
			Just upstream of Merriman Road	*633
			About 240 feet upstream confluence of Tributary No. 1	*647
			Just upstream Ellen Road	*653
		Beltz drain	Just upstream mouth at Bell Branch	*642
			About 950 feet upstream confluence with Bell Branch	*643
			About 2,100 feet upstream 6 mile Road	*656
		Tributary No. 1	Just upstream mouth Bell Branch	*646
			About 0.83 mile upstream Six Mile Road	*681
		Tarabusi Creek	Just upstream mouth at Bell Branch	*623
			Just downstream Middlebelt Road	*630
			About 50 feet upstream Middlebelt Road	*635
			Just downstream Seven Mile Road	*660
			Just upstream Seven Mile Road	*664
			Just downstream of Eight Mile Road	*695
Maps available for inspection at the Engineering Department, City Hall, 33000 Civic Center Drive, Livonia, Michigan.				

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
Minnesota	(C), Oronoco, Otsego County (Docket No. FEMA-5978)	Middle Fork Zumbro River	At the eastern corporate limit..... Just downstream County Road 18..... Just upstream Shady Lake Dam..... At the western corporate limits..... Confluence with Middle Fork Zumbro River..... At the western corporate limit.....	*945 *948 *950 *954 *961 *965
Maps available for inspection at the City Hall, Oronoco, Minnesota.				
Minnesota	(C), Owatonna, Steele County (Docket No. FEMA-5978)	Straight River	At the downstream corporate limit..... Just upstream of North Street..... At Morehouse Park Dam..... At the southern most corporate limit.....	*1,129 *1,132 *1,137 *1,141
		Maple Creek	At the confluence with Straight River..... About 215 feet upstream Cedar Avenue..... Just upstream of Dart's Park Dam..... At the confluence with Maple Creek Tributary..... Just upstream of Mineral Spring Park Dam..... At upstream corporate limit.....	*1,131 *1,133 *1,137 *1,148 *1,167 *1,170
		Maple Creek tributary	About 450 feet downstream of Rose Street..... Just downstream of Rose Street..... Just upstream Rose Street..... About 150 feet downstream Rice Lake Street..... Just upstream Rice Lake Street..... Just upstream School Street..... About 950 feet downstream eastern corporate limit..... About 740 feet downstream eastern corporate limit..... At eastern corporate limit.....	*1,148 *1,152 *1,158 *1,159 *1,174 *1,176 *1,188 *1,196 *1,197
Maps available for inspection at the City Hall, 540 West Hills Circle, Owatonna, Minnesota.				
Minnesota	(Unincorporated), Steele County (Docket No. FEMA-5979)	Straight River	Just upstream Township Road at northern county boundary..... Just upstream County Highway 45 (downstream crossing)..... About 600 feet downstream Chicago, Rock Island and Pacific Railroad (2d crossing)..... Just downstream County Highway 34..... About 200 feet downstream of U.S. Highway 14 (west-bound)..... Just upstream County Highway 18.....	*1,069 *1,079 *1,008 *1,126 *1,141 *1,146
		Crane Creek	Confluence with Straight River..... Just downstream County Highway 22.....	*1,091 *1,091
		Maple Creek	At City of Owatonna corporate limits..... Just upstream County Highway 35 (downstream crossing)..... Just upstream County Highway 43.....	*1,170 *1,178 *1,196
Maps available for inspection at the Steele County Administrative Annex, 590 Dunnell Drive, Owatonna, Minnesota.				
Minnesota	(C), Wanamingo, Goodhue County (Docket No. FEMA-5979)	North Fork Zumbro River	At downstream corporate limits..... Just downstream of Main Street..... Just upstream of Main Street..... At upstream corporate limits.....	*1,011 *1,015 *1,020 *1,023
		Shingle Creek	Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad..... At upstream corporate limits.....	*1,024 *1,040
Maps available for inspection at the City Hall P.O. Box 224 W, Wanamingo, Minnesota.				
Minnesota	(C), Zumbro Falls, Wabasha County (Docket No. FEMA-5979)	North Fork Zumbro River	At downstream corporate limits..... At upstream corporate limits.....	*842
		Buckman Coulee	Just upstream U.S. Highway 63 (downstream corporate limits)..... About 250 feet downstream of Main Street..... At upstream corporate limits.....	*842 *847 *858
Maps available for inspection at the City Hall, P.O. Box 100, Zumbro Falls, Minnesota.				
Montana	Carbon County (unincorporated area) (FEMA-5845)	Yellowstone River	At northeasternmost tip of county at channel (north of U.S. Highways 212 and 310)..... At northwest corner of section 1, township 3 south range 23 east.....	*3,296 *3,321
		Rock Creek	Upstream side of Burlington Northern Railroad (near confluence with Clarks Fork Yellowstone River) over the channel..... Upstream side of U.S. Highway 310 crossing the channel (near Rockvale)..... Upstream side of County Road crossing the channel (near Montague)..... Country Road crossing the channel (south of the town of Joliet)..... Downstream side of U.S. Highway 212 crossing the channel (west of the town of Joliet)..... Downstream side of U.S. Highway 212 crossing the channel (near Seimes)..... Downstream side of County Road crossing the channel (approximately 1 mile south of Roberts).....	*3,424 *3,483 *3,572 *3,724 *3,798 *4,410 *4,622

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Clarks Fork Yellowstone River	County Road at Fox crossing the channel	*4,984
			Upstream side of County Road crossing the channel (approximately 1 mile north of the city of Red Lodge)	*5,365
			Upstream side of State Highway 306 crossing the channel (south of the city of Red Lodge)	*5,626
			Downstream side of County Road (east side of the town of Fromberg) crossing the channel	*3,521
			Upstream side of U.S. Highway 310 crossing the channel (south of the town of Bridger)	*3,657
Maps available at Planning Office, P.O. Box 460, Red Lodge, Montana.				
Montana	Fromberg (town), Carbon County (FEMA-5845)	Clarks Fork Yellowstone River	On the north side of River Street approximately 400 feet east of intersection of Lovers Lane and River Street	*3,520
			Southernmost end of Third Avenue at the corporate limits	*3,525
Maps available for inspection at Town Hall, Fromberg, Montana				
New Jersey	Deerfield, township, Cumberland County (Docket No. FEMA-5675)	Maurice River	Downstream corporate limits	*96
			Upstream corporate limits	*99
Maps available for inspection at the Deerfield Municipal Building, Rosenhayn, New Jersey.				
New Jersey	East Amwell, township, Hunterdon County (Docket No. FEMA-5911)	Neshanic River	Downstream corporate limits	*103
			Upstream side of Cedar Mill Road	*111
			Upstream side of Manners Road	*115
			Upstream corporate limits	*121
		Stony Brook	Downstream corporate limits	*207
			Approximately 1,570' upstream of downstream corporate limits	*217
			Approximately 4,280' upstream of downstream corporate limits	*237
			Downstream side of Linvale Road	*262
			Approximately 60' upstream of Linvale Road	*264
		South Fork Third Neshanic River	Downstream corporate limits	*159
			Approximately 60' upstream of Ryneerson's Road	*168
			Centerline of Creek Road at upstream corporate limits	*172
		Tributary A	Confluence with Neshanic River	*110
			Downstream side of driveway approximately 2,975' upstream of Back Brook Road	*126
			Upstream side of driveway approximately 2,975' upstream of Back Brook Road	*190
			Downstream side of private road approximately 475' downstream of Manners Road	*154
			Downstream side of Manners Road	*158
			Upstream side of Manners Road	*159
		Back Brook	Confluence with Neshanic River	*112
			Downstream side of Van Lieu's Road	*118
			Approximately 8,475' upstream of Van Lieu's Road	*137
			Downstream side of Wertsville Road	*164
			Downstream side of Farm Lane	*176
			Approximately 500' downstream of State Route 202	*187
			Downstream side of County Route 579	*191
			Upstream side of Old York Road	*196
Maps available for inspection at the Township Clerk's Office, East Amwell, New Jersey.				
New Jersey	Township of Harmony, Warren County (Docket No. FEMA-5875)	Delaware River	Downstream corporate limits	*202
			*4,000 feet upstream of corporate limits	*203
			At Conrail bridge approximately 22,800 feet upstream of corporate limits	*213
			Confluence of Buckhorn Creek	*220
			At 2d Conrail bridge 42,350 feet upstream of corporate limits	*228
		Lopatcong Creek	1,650 feet upstream of 2d Conrail bridge	*230
			Downstream corporate limits	*344
			At dam 70 feet upstream of corporate limits	*345
			1,400 feet upstream from corporate limits	*356
			400 feet downstream from County Route 519	*363
			County Route 519 (upstream)	*370
			At private road 1,000 feet upstream of County Route 519	*380
			At private road 2,000 feet upstream of County Route 519	*391
			1,000 feet downstream of Decker Road	*402
			400 feet downstream of Decker Road	*408
			Upstream side of Decker Road	*417
			800 feet upstream of Decker Road	*425
			Hartman Drive	*437
			800 feet upstream of Hartman Drive	*448
			1,400 feet upstream of Hartman Drive	*457
			1,800 feet upstream of Hartman Drive	*465
			Approximately 1,000 feet downstream of Harmony Brass Castle Road	*474
			Approximately 350 feet downstream of Harmony Brass Castle Road	*467

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
New Jersey	Kingwood, township, Hunterdon County (Docket No. FEMA-5643)	Delaware River	Harmony Brass Castle Road	*497	
			Allen's Mill Road	*506	
			270 feet upstream from Allen's Mill Road	*513	
			Buckhorn Creek	At confluence with Delaware River	*520
				1,000 feet upstream of Hutchison State Road	*528
				2,000 feet upstream of Hutchison State Road	*538
				1,500 feet downstream of Reeder Road	*547
				300 feet downstream of Reeder Road	*555
				At Reeder Road	*565
				1,100 feet upstream of Reeder Road	*576
				2,500 feet upstream of Reeder Road	*586
				Approximately 1,750 feet downstream of Roxburg Station Road	*596
				At confluence of tributary No. 1 to Buckhorn Creek	*601
			Tributary No. 1 to Buckhorn Creek	At upstream corporate limits	*603
				At confluence with Buckhorn Creek	*601
				200 feet upstream of confluence with Buckhorn Creek	*603
				200 feet downstream of County Route 519	*615
				At County Route 519 and Hill Road	*622
				300 feet upstream of County Route 519	*632
				Approximately 550 feet upstream of County Route 519	*642
				Approximately 635 feet upstream of County Route 519	*651
				Approximately 735 feet upstream of County Route 519	*662
				Approximately 840 feet upstream of County Route 519	*672
			Approximately 935 feet upstream of County Route 519	*681	
			Approximately 1,040 feet upstream of County Route 519	*691	
			Approximately 1,140 feet upstream of County Route 519	*704	
			Approximately 1,235 feet upstream of County Route 519	*718	
			Approximately 1,340 feet upstream of County Route 519	*733	
			Approximately 1,435 feet upstream of County Route 519	*744	
			Approximately 1,535 feet upstream of County Route 519	*754	
			1,745 feet upstream of County Route 519	*763	
			1,880 feet upstream of County Route 519	*772	
			Maps available for inspection at the Harmony Township School, Harmony, New Jersey.		
New Jersey	Kingwood, township, Hunterdon County (Docket No. FEMA-5643)	Delaware River	1,000' upstream of corporate limits	*100	
			20,000' upstream of corporate limits	*110	
			27,000' upstream of corporate limits	*115	
			37,000' upstream of corporate limits	*120	
			4,000' downstream of corporate limits	*121	
			Upstream corporate limits	*125	
			Lockatong Creek	400' above corporate limits	*266
				1,200' above corporate limits	*275
				1,680' above corporate limits	*286
				2,160' upstream of corporate limits	*295
				2,600' upstream of corporate limits	*305
				3,120' upstream of corporate limits	*315
				400' downstream of confluence of tributary A	*325
				520' upstream of confluence of tributary A	*335
				1,400' upstream of confluence of tributary A	*345
				2,200' upstream of confluence of tributary A	*355
				1,320' downstream of Mill Dam	*365
				560' downstream of Mill Dam	*375
				Downstream of Mill Dam	*381
				Upstream of Mill Dam	*391
				Confluence of tributary C	*403
				Confluence of tributary D	*414
				600' upstream of Byram-Kingwood Road	*424
				Confluence of Tributary No. 1	*433
				560' downstream of confluence of tributary F	*443
				Kingwood Road	*455
			Confluence of tributary G	*464	
			Thatcher Road	*474	
			Confluence of tributary K	*482	
			Confluence of tributary N	*490	
			Tributary No. 1	Brook Road 50' upstream of confluence with Lockatong Creek	*493
				80' upstream of Byram-Kingwood Road	*497
				80' downstream of State Route 519	*499
				State Route 519	*500
			Muddy Run	Confluence with Lockatong Creek	*502
				1,950' upstream of Muddy Run Road	*509
				Union Road	*515
				1,200' downstream of Fitzer Road	*525
			Tributary No. 2	At Fitzer Road	*525
				Confluence with Lockatong Creek	*525
				2,600' downstream of Oak Grove Road	*535
				Oak Grove Road	*539

Maps available for inspection at the Kingwood Municipal Building, Thatcher Road, Frenchtown, New Jersey.

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	South Nysck, village, Rockland County (Docket No. FEMA-5966).	Hudson River	Entire shoreline	*8
Maps available for inspection at the South Nyack Village Hall, 282 South Broadway, South Nyack, New York 10960.				
North Carolina	Town of Hope Mills, Cumberland County (FEMA-5773)	Rockfish Creek	Just upstream of South Main Street (NC 59)	*91
		Little Rockfish Creek	Just upstream of Legion Road (State Route 1132)	*94
			Just downstream of Lake View Road (Hope Mills Dam)	*95
			Just upstream of Lake View Road (Hope Mills Dam)	*103
Maps available for inspection at Town Hall, 3700 S. Main Street, Hope Mills, North Carolina 29348.				
Ohio	(Unincorporated), Butler County (Docket No. FEMA-5978)	Beals Run	About 160 feet upstream confluence with Indian Creek	*619
			About 650 feet upstream State Route 129	*627
		Mill Creek	Just upstream Crescentville Road	*583
			About 100 feet upstream Crescentville Road	*585
			Just upstream Interstate 75 (southbound)	*589
			About 316 feet upstream Interstate 75 (southbound)	*592
			Just upstream Rialto Road	*595
			Just downstream State Route 747	*597
			Just upstream State Route 747	*599
			About 1.2 miles upstream State Route 747	*603
		Gregory Creek	Just upstream mouth at Great Miami River	*621
			Just downstream West Chester Road	*627
			Just upstream West Chester Road	*630
			Just downstream Kyles Station Road	*648
			Just downstream Milliken Road	*667
			Just upstream Milliken Road	*671
			Just downstream Maud Hughes Road	*696
			About 0.47 mile upstream Maud Hughes Road	*703
		Browns Run	Just upstream mouth at Great Miami River	*655
			Just downstream Sloebig Road	*680
			About 265 feet upstream Sloebig Road	*684
			Just downstream Meyers Road	*726
			Just upstream Meyers Road	*729
		Coldwater Creek	Just upstream mouth at Gregory Creek	*625
			About 150 feet downstream Van G Farms Drive	*630
			About 0.22 mile upstream of Van G Farms Drive	*635
		Elk Creek	Just upstream mouth at Great Miami River	*635
			Just upstream Sebald Park Bridge	*707
			About 160 feet downstream State Route 122	*725
			About 160 feet upstream State Route 122	*729
			About 160 feet upstream Elk Creek Road	*748
		Indian Creek	About 1.55 miles downstream State Route 128	*544
			Just downstream State Route 128	*560
			About 210 feet upstream State Route 128	*562
			About 320 feet downstream Hamilton-New London Road	*585
			Just upstream Hamilton-New London Road	*589
			About 370 feet downstream U.S. Route 27	*621
			About 4,170 feet upstream U.S. Route 27	*632
			About 5,500 feet upstream U.S. Route 27	*638
			Just downstream Cochran Road	*662
			Just upstream Cochran Road	*665
			About 211 feet downstream Garner Road	*695
			About 300 feet upstream Garner Road	*698
			About 0.42 mile upstream Garner Road	*711
			About 1.15 miles upstream Garner Road	*718
			About 210 feet downstream Rally-Milville Road	*741
			Just downstream State Route 732	*747
			Just upstream State Route 732	*753
			About 630 feet upstream State Route 732	*754
		Dry Fork Whitewater River	About 2,140 feet downstream confluence with Camp Run	*617
			About 264 feet downstream Race Lane Road	*626
			Just upstream Race Lane Road	*632
			Just downstream private road	*643
			About 180 feet upstream private road	*645
			About 1,060 feet upstream Oksana-Drewsburg Road	*654
		Sevenmile Creek	About 1.2 miles downstream Taylor School Road	*619
			Just upstream Taylor School Road	*639
			About 310 feet upstream U.S. Route 127	*684
			About 0.56 mile downstream State Road	*698
			About 125 feet downstream State Road	*702
			About 320 feet upstream Hamilton-Eaton Road	*747
			At county boundary	*762
		Great Miami River	Just upstream American Materials Railroad	*560
			About 150 feet upstream American Materials Railroad	*562
			About 3.6 miles upstream American Materials Railroad	*574
			About 2.6 miles downstream confluence with Four Mile Creek	*582
			About 1.1 miles downstream confluence with Four Mile Creek	*586
			About 0.25 mile upstream U.S. Route 127	*595
			Just upstream Wooddale Road	*615
			About 370 feet upstream State Route 73	*633
			At upstream county boundary	*662

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio				
		Four Mile Creek	About 0.35 mile downstream New Miami corporate limits	*587
			Just downstream New Miami corporate limits	*599
			About 0.27 mile upstream New Miami corporate limits	*602
			Just downstream of Eaton Road	*635
			About 320 feet upstream State Route 177	*704
			Just upstream Dantown Road	*714
			Just upstream Lanes Mill Road	*740
			About 0.39 mile downstream confluence of Lick Run	*771
			About 1,690 feet downstream Bonham Road	*789
			Just upstream Bonham Road	*795
			Just downstream State Road 732	*798
			Just upstream State Road 732	*800
			About 1.5 miles upstream State Route 732	*814
Maps available for inspection at the County Clerk's Office, Butler County Courthouse, 130 High Street, Hamilton, Ohio.				
Ohio	(C) Vandalia, Montgomery County (Docket No. FEMA-5978).	Poplar Creek	Just upstream of Interstate 75	*844
			Just downstream of South Dixie Drive	*928
			Just upstream of South Dixie Drive	*941
			Just downstream of private road, upstream of South Dixie Drive	*944
			Just upstream of private road, upstream of South Dixie Drive	*952
			About 50 feet downstream of Elva Court	*956
			About 275 feet upstream of Elva Court	*968
Maps available for inspection at the City Clerk's Office, City Hall, 330 James E. Bohanan Drive, Vandalia, Ohio.				
Pennsylvania	Berwick, township, Adams County (Docket No. FEMA-5973).	Boaver Creek	Berwick/Hamilton corporate limits	*478
			Downstream Berwick/Abbottstown corporate limits	*487
			Upstream Berwick/Abbottstown corporate limits	*517
			Approximately 1,200' upstream of the downstream Country Club Road Bridge	*527
			Approximately 2,200' upstream of the downstream Country Club Road Bridge	*539*
			Approximately 3,200' upstream of the downstream Country Club Road Bridge	*552
			Downstream of the upstream Country Club Road Bridge	*568
			Approximately 800' upstream of the upstream Country Club Road Bridge	*580
			Approximately 1,400' upstream of the upstream Country Club Road Bridge	*591
			Approximately 200' downstream of Maple Grove Road Bridge	*602
			Maple Grove Road Bridge	*614
		Spring Run	Downstream corporate limits	*508
			Upstream of access road bridge, approximately 600' upstream of downstream corporate limits	*518
			Upstream of private road bridge	*528
			Approximately 1,000' upstream of downstream corporate limits	*537
			Upstream of State Route 194 Bridge	*548
			Approximately 1,000' upstream of State Route 194 Bridge	*557
			Approximately 2,000' upstream of State Route 194 Bridge	*571
			Approximately 500' downstream of Maple Grove Road Bridge	*583
			Upstream side of Maple Grove Road Bridge	*595
		Pine Run tributary A	Downstream corporate limits	*522
			Approximately 1,200' upstream of the downstream corporate limits	*534
			Approximately 2,200' upstream of the downstream corporate limits	*545
			Approximately 3,000' upstream of the downstream corporate limits	*554
			Approximately 3,800' upstream of the downstream corporate limits	*561
		Pine run tributary B	Downstream corporate limits	*537
			Upstream of private road bridge located approximately 900' upstream of the downstream corporate limits	*543
			Upstream of access road bridge located approximately 1,250' upstream of the downstream corporate limits	*548
			Approximately 400' downstream of State Route 94 Bridge	*553
			Upstream corporate limits	*559
Maps available for inspection at the Township Meeting Hall, Greensprings Gun Hall, Berwick, Pennsylvania.				
Pennsylvania	Hopewell, township, Beaver County (Docket No. FEMA-5979).	Ohio River	Downstream corporate limits	*706
			Upstream corporate limits	*710
		Raccoon Creek	Downstream corporate limits	*767
			Upstream Beaver Valley Expressway	*771
			Upstream corporate limits (second crossing)	*782
			Upstream corporate limits (third crossing)	*790
		Trampmill Run	Confluence with Raccoon Creek	*770
			Upstream Mill Street Culvert	*782

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Municipal Building, Clark Boulevard, Aliquippa, Pennsylvania.				Approximately 940' upstream Mill Street *786
Pennsylvania	Marshall, township, Allegheny County (Docket No. F-5526).	Brush Creek	Downstream corporate limits	*1,024
			Thorn Hill Road upstream	*1,035
			Perry Highway upstream	*1,058
			Northgate Drive upstream	*1,064
			Upstream corporate limits	*1,072
Maps available for inspection by contacting Ms. Maxine Douthett, Marshall Township Secretary, at (412) 935-2911				
Pennsylvania	McIntyre, township, Lycoming County (Docket No. FEMA-5843).	Lycoming Creek	Downstream corporate limits	*782
			Pleasant Stream Road (downstream side)	*792
			Bodiner Road (extended)	*805
			Approximately 5,500' upstream of Pleasant Stream Road	*815
			Approximately 1,900' downstream of Middle Conrail crossing	*825
			Middle Conrail crossing (downstream side)	*831
			Middle Conrail crossing (upstream side)	*839
			Upstream Conrail crossing	*850
			Approximately 3,100' upstream of upstream Conrail crossing	*859
			Downstream State Route 14 Bridge (downstream side)	*867
			Approximately 2,700' upstream of downstream State Route 14 Bridge	*877
			Approximately 5,600' upstream of downstream State Route 14 Bridge	*887
			Upstream State Route 14 (downstream side)	*897
			Approximately 2,300' downstream of upstream corporate limits	*907
			Upstream corporate limits	*919
		Rock Run	Confluence with Lycoming Creek	*844
			Approximately 1,980' upstream of confluence with Lycoming Creek	*860
Maps available for inspection at the McIntyre Township Building, Ralston, Pennsylvania.				
Pennsylvania	South Middleton, township, Cumberland County (Docket No. FEMA-6000).	Yellow Breeches Creek	Confluence of Boiling Springs Run	*472
			Confluence of Old Town Run	*480
			Upstream side of Whiskey Spring Road	*491
			Approximately 250' upstream of Conrail bridge	*502
			Approximately 1,700' downstream of State Route 34	*512
			Approximately 2,900' upstream of State Route 34	*522
			Upstream corporate limits	*533
		Boiling Springs Run	Confluence with Yellow Breeches Creek	*472
			Downstream side of Macadam Road	*477
			Upstream side of Macadam Road	*481
		Old Town Run	Confluence with Yellow Breeches Creek	*480
			Upstream side of private drive	*491
			Approximately 1,000' upstream of T-529	*501
			Approximately 1,340' downstream of Conrail bridge	*511
			Upstream side of Conrail bridge	*519
		Mountain Creek	Confluence with Yellow Breeches Creek	*504
			Approximately 275' upstream of Lador Lane	*514
			Approximately 3,100' upstream of Lador Lane	*524
			Upstream corporate limits	*536
			Approximately 150' downstream of Conrail bridge	*538
			Upstream side of Conrail bridge	*544
		Lesort Spring Run	Downstream corporate limits	*455
			Approximately 2,850' upstream of Interstate 81 North	*457
Maps available for inspection at the South Middleton Township Building, Mt. Holly Springs, Pennsylvania.				
South Carolina	Town of City View, Greenville County (FEMA-5979)	Reedy River	Just downstream of West Washington Road	*938
			Just downstream of Bramlette Road	*933
Maps available for inspection at City Hall, 1105 Woodside Avenue, City View, South Carolina 29611.				
South Carolina	Unincorporated areas of Richland County (FEMA-5955)	Congaree River	Just downstream of the confluence of Congaree Creek	*138
			Just downstream of Seaboard Coastline Railroad	*153
			Just upstream of Southern Railway	*154
		Mill Creek	Just upstream of Southern Railway	*169
			Just downstream of U.S. Highway 76 and 378	*194
		Reeder Point Branch	Just upstream of State Highway 48, Bluff Road	*136
			Just downstream of Southern Railway	*154
		Gills Creek	Just downstream of White House Road	*140
			Just upstream of Bluff Road	*140
			Just downstream of Garner's Ferry Road U.S. Highway 76 and 378	*153
			Just downstream of Percival Road	*198
		Eightmile Branch	Just upstream of Baldwin Road	*250
		Jackson Creek	Just upstream of Decker Boulevard	*202
			Just downstream of Pine Tree Lake Dam	*204
			Just downstream of Interstate Highway 20	*225
			Just upstream of Windsor Lake Boulevard	*231
		Little Jackson Creek	Just downstream of O'Neil Court	*220
			Just upstream of Leer and Road	*240
		Lightwood Knot Branch	Approximately 110 feet upstream of Parkland Road	*235
			Just upstream of the Northeastern Expressway	*267

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Rocky Branch	Just upstream of Florida Street	*173
			Just upstream of Seaboard Coastline	*173
		Broad River	Just upstream of U.S. Highway 176	*166
			Just downstream of the confluence of Crane Creek	*175
			Just upstream of Interstate Highway 20	*178
		Stoop Creek	Just upstream of St. Andrews Road	*214
			Just downstream of Piney Grove Road	*249
		Smith Branch	Just upstream of Southern Railway	*172
			Approximately 200 feet upstream of Clement Road	*179
		Crane Creek	Just upstream of Interstate Highway 20 Backyard Road	*182
		Saluda River	Approximately 1,600 feet downstream of Interstate Highway 26	*176
			Just downstream of Interstate Highway 26	*180
Maps available for inspection at Richland County Courthouse, 1701 Main Street, Columbia, South Carolina 29240.				
South Carolina	Unincorporated areas of York County (FEMA-5979)	Steele Creek	Just upstream of State Road 270	*517
			Just upstream of U.S. Highway 21 Bypass	*538
			Just upstream of Interstate Highway 1-77	*552
			Just downstream of State Road 22	*563
		Sugar Creek	Just upstream of State Road 36 (Dobys Bridge Road)	*490
			Just upstream of U.S. Highway 160	*509
			Just upstream of Southern Railway	*536
		Blankenship Branch	Just downstream of Interstate Highway 1-77	*552
			Just upstream of Interstate Highway 1-77	*582
			Just downstream of State Road 22	*583
			NC-SC State line	*612
		Jackson Branch	Approximately 100 feet downstream of State Road 22	*575
			Approximately 100 feet upstream of State Road 22	*578
			Just downstream of Interstate Highway 1-77	*559
			Just upstream of Interstate Highway 1-77	*562
		Johnnytown Branch	Just upstream of State Road 251	*515
		Catawba River	Confluence of Catawba River and Burgess Creek	*491
			Just upstream of Southern Railway	*500
			Just downstream of U.S. Highway 21	*506
			Just upstream of Interstate Highway 1-77	*508
			Just downstream of Lake Wylie Dam	*513
		Burgess Creek	Just downstream of State Road 654 (Mac Road)	*559
			Just downstream of State Road 57 (Hope Wolf Road)	*577
		Manchester Creek	Approximately 200 feet downstream of Interstate Highway 1-77	*519
			Approximately 200 feet downstream of Baskins Road	*533
			Just upstream of State Highway 122	*564
		Manchester Creek tributary 1	Just upstream of Interstate Highway 1-77	*519
			Just downstream of Evelyn Street	*536
		Big Dutchman Creek	Just downstream of Mt. Gallant Road	*513
			Just downstream of India Hook Road	*521
			Just upstream of Bonny Brook Drive	*527
		Little Dutchman Creek	Just upstream of India Hook Road	*505
			Approximately 150 feet downstream of State Road 181	*565
			Just upstream of State Road 181	*590
		Little Dutchman Creek tributary	Just downstream of Ebingsport Road	*549
			Just upstream of Ebingsport Road	*562
		Little Dutchman Creek tributary 4	Just downstream of Twin Lakes Road	*565
			Just upstream of Twin Lakes Road	*572
		Stoney Branch	Just upstream of State Highway 243 (Neely Road)	*540
Maps available for inspection at Planning Department, South Congress Street, York, South Carolina 29745.				
Tennessee	Hendersonville (city), Sumner County (FEMA-5873)	Mansker Creek (Backwater from the Cumberland River)	Intersection of creek and center of Gallatin Pike (U.S. Highway 31E and State Route 6)	*430
		Madison Creek (backwater from the Cumberland River)	Intersection of creek and center of Caldwell Drive	*430
		Madison Creek	100 feet upstream from center of Long Hollow Pike	*449
		Wilks Branch	50 feet upstream from center of county road	*477
		Drakes Creek	Intersection of Stop Thirty Road and Callender Lane	*516
			30 feet upstream from center of Long Hollow Pike (County Route 6126)	
		Drakes Creek Right Bank tributary No. 1	20 feet upstream from Louisville and Nashville Railroad	*463
			50 feet upstream from center of New Shackle Island Road	*497
		Drakes Creek Right Bank tributary No. 2	Intersection of South Burn Drive and Wessington Place	*464
			50 feet upstream from center of Shackle Island Road (County Route 6127)	*495
		Drakes Creek Right Bank tributary No. 3	100 feet south of intersection of Yorkside Place and Raindrop Lane	*475
		Drakes Creek Left Bank tributary No. 1	30 feet upstream from center of Callender Lane	*486
			Intersection of Creek and center of Stop Thirty Road	*531
		Station Camp Creek	Intersection of Creek and center of Long Hollow Pike	*489
		Cumberland River	50 feet upstream from center of Old Hickory Dam	*450
			50 feet downstream from center of Old Hickory Dam	*430
Maps available at P.O. Box 1570, Hendersonville, Tennessee.				
Texas	City of Graham, Young County (FEMA-5966)	Farmers Branch	Pine Street extended	*1,057
			Victory Street extended	*1,065

Final Base (100-Year) Flood Elevation—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Maps available for inspection at City Hall, Graham, Texas 76046.				
Vermont	Hyde Park, town, Lamoille County (Docket No. FEMA-5979)	Stream GR-2	At the eastern corporate limits	*1,077
		Shawnee Branch	At the northern corporate limits	*1,082
			Brazos Street extended	*1,036
		Salt Creek	Just upstream of South Street	*1,036
			Shawnee Street extended	*1,036
			Just upstream of Farm Market 61	*1,036
			Just upstream of Tesco Village	*1,037
Virginia	Pittsylvania County (Docket No. FI-5642)	Beaver Meadow Brook	Confluence with Gihon River	*856
			Upstream of Town Highway 3	*858
			Approximately 3,300' upstream of Town Highway 3	*859
			Approximately 4,800' upstream of Town Highway 3	*864
			Approximately 650' downstream from Town Highway 26	*865
			Approximately 100' downstream from Town Highway 26	*914
			Upstream of Town Highway 26	*931
			Approximately 150' upstream of Town Highway 26	*933
		Gihon River	Downstream corporate limits	*828
			Downstream of State Route 100 C	*833
			Upstream of State Route 100 C	*837
			Approximately 1,300' upstream of State Route 100 C	*840
			Downstream of State Route 100	*848
			Upstream of State Route 100	*851
			Approximately 1,200' upstream of State Route 100	*855
			Approximately 2,750' upstream of State Route 100	*859
			Approximately 5,050' upstream of State Route 100	*866
			Upstream corporate limits	*870
		Lamoille River	Downstream corporate limits	*634
			Approximately 7,200' downstream from Ten Bends Bridge	*537
			Upstream of Ten Bends Bridge	*542
			Approximately 2,150' upstream of Ten Bends Bridge	*543
			Upstream corporate limits	*545
		Roanoke River	Downstream County boundary	*452
			Leesville Dam (downstream)	*560
			Leesville Dam (upstream)	*615
			Smith Mountain Dam (downstream)	*621
			Smith Mountain Dam (upstream)	*603
		Mill Creek	Confluence with Roanoke River	*524
			State Route 633 (upstream)	*617
			Approximately 1,200' upstream of State Route 633	*630
		Reed Creek	Confluence with Roanoke River	*535
			State Route 638 (upstream)	*612
			Confluence of Reed Creek tributary	*660
			Approximately 2,800' upstream of State Route 642	*756
		Reed Creek Tributary	Confluence with Reed Creek	*660
			State Route 642 (downstream)	*695
			State Route 642 (upstream)	*701
		Sycamore Creek	Town of Hurt corporate limits	*537
			U.S. Route 29 (upstream)	*596
			State Route 642 (upstream)	*658
			State Route 643 (upstream)	*731
			Southern Railway (downstream side)	*801
		Little Sycamore Creek	Confluence with Sycamore Creek	*640
			State Route 642 (downstream)	*692
			State Route 642 (upstream)	*697
			State Route 653 (downstream)	*719
		Sycamore Creek Tributary	Confluence with Sycamore Creek	*731
			State Route 930 (downstream)	*737
			State Route 930 (upstream)	*743
			Access Road (downstream)	*790
		Old Womans Creek	Confluence with Roanoke River	*616
			State Route 756 (upstream)	*621
		Tributary to Old Womans Creek	Confluence with Old Womans Creek	*621
			State Route 756 (downstream)	*674
			Approximately 1,500' upstream of State Route 760	*732
		Pigg River	Confluence with Roanoke River	*618
			State Route 40 (downstream)	*646
			Upstream county boundary	*660
		Snow Creek	Confluence with Pigg River	*664
			Upstream county boundary	*694
		Barister River	Downstream county boundary	*407
			State Route 686 (downstream)	*466
			Mill Dam (upstream of State Route 832)	*547
			State Route 694 (upstream)	*596
			State Route 813 (downstream)	*675
		Pudding Creek	Confluence with Barister River	*629
			Approximately 7,700' upstream of State Route 834	*678
		Whitshorn Creek	Confluence with Barister River	*490
			Approximately 2,000' upstream of State Route 683	*497
		Georges Creek	Approximately 3,500' upstream of State Route 685	*568
			State Route 40 (upstream)	*642
			State Route 673 (upstream)	*701

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground Elevation in feet (NGVD)
			Dam (downstream)	*779
			Dam (upstream)	*782
	Cherry-stone Creek	Confluence with Banister River		*567
		Soil Conservation Service Dam (downstream)		*643
		Soil Conservation Service Dam (upstream)		*680
	Green Rock Branch	Confluence with Cherry-stone Creek		*602
		Approximately 3,000' upstream of State Route 623		*641
	Pole Bridge Branch	Confluence with Cherry-stone Reservoir		*680
		State Route 649 (upstream)		*720
		Approximately 2,900' upstream of State Route 795		*780
	Long Branch	Confluence with Cane Creek		*458
		U.S. Route 58 (downstream)		*486
		U.S. Route 58 (upstream)		*494
	Tom Fork	Confluence with Cane Creek		*404
		State Route 655 (downstream)		*436
		State Route 655 (upstream)		*445
	White Oak Creek	Confluence with Banister River		*612
		State Route 718 (upstream)		*628
		Route 834 (downstream)		*671
	Dan River	Downstream county boundary		*375
		Upstream county boundary		*377
		Downstream State boundary		*395
		City of Danville corporate limits (upstream)		*451
		State boundary (1,200 feet upstream of Southern Railway)		*467
		State boundary (8,700 feet upstream of Southern Railway)		*471
		State boundary (at State Route 860)		*491
	Cane Creek	State boundary		*385
		U.S. Route 58 (upstream)		*477
		State Route 730 (upstream)		*520
		Approximately 4,000' upstream of State Route 732		*580
	Fall Creek	Confluence with Dan River		*403
		State Route 695 (upstream)		*488
		State Route 719 (upstream)		*535
		Approximately 2 miles upstream of State Route 719		*650
	Little Fall Creek	Confluence with Fall Creek		*414
		State Route 723 (downstream)		*502
		State Route 723 (upstream)		*522
		Approximately 2 miles upstream of State Route 723		*589
	Lawless Creek	Approximately 2,400' downstream of State Route 719		*537
		Approximately 3,400' upstream of State Route 719		*556
	Sandy Creek	City of Danville corporate limits		*432
		State Route 746 (upstream)		*506
		State Route 865		*618
		Approximately 3 miles upstream of Sandy Creek tributary No. 1		*710
	Little Sandy Creek	Confluence with Sandy Creek		*484
		State Route 744 (upstream)		*527
		Farm Road (upstream)		*548
	Tributary A to Sandy Creek	Confluence with Sandy Creek		*437
		Beaver Mill Road (downstream)		*504
	Sandy Creek tributary No. 1	Confluence with Sandy Creek		*623
		Approximately 4,000' upstream of State Route 866		*653
		Sandy Creek tributary No. 2		
		Confluence with Sandy Creek		*623
		Approximately 3,400' upstream of confluence of tributary to Sandy Creek tributary No. 2		*666
	Tributary to Sandy Creek tributary No. 2	Confluence with Sandy Creek tributary No. 2		*640
		Approximately 2,500' upstream of Sandy Creek tributary No. 2		*665
	Sandy River	City of Danville corporate limits		*432
		State Route 863 (downstream)		*472
		Dam at State Route 869 (downstream)		*550
		Dam at State Route 869 (upstream)		*559
		State Route 845 (downstream)		*646
		State Route 818 (upstream)		*731
		Approximately 2,500' upstream of State Route 817		*770
	Stewart Creek	Confluence with Sandy River		*572
		State Route 844 (downstream)		*590
		State Route 844 (upstream)		*595
	Sandy River tributary	Confluence with Sandy River		*732
		Approximately 6,300' upstream of Sandy River		*763
	South Prong Sandy River	Confluence of Tanyard Creek		*708
		State Route 934 (downstream)		*792
		State Route 934 (upstream)		*797
		County boundary		*815
	Tanyard Creek	Confluence with South Prong Sandy River		*708
		Confluence of Glady Fork		*750
	Glady Fork	Confluence with Tanyard Creek		*750
		Approximately 300' upstream of State Route 614		*773
	Pumpkin Creek	Confluence with Dan River		*400
		Confluence of Rutledge Creek		*431
	Jackson Branch	Confluence with Dan River		*401
		City of Danville Corporate limits		*431
	Rutledge Creek	Confluence with Pumpkin Creek		*431
		Elizabeth Street (downstream)		*488
		Elizabeth Street (upstream)		*494

Final Base (100-Year) Flood Elevation—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 1.3 miles upstream of Elizabeth Street				*567
Maps available for inspection at the Office of the Pittsylvania County Building Official, Chatham, Virginia.				
Virginia	Roanoke, city, (Docket No. FEMA-5780)	Roanoke River	Upstream 13th Street Extension	*908
			Upstream Main Street (U.S. 220)	*945
			Upstream corporate limit	*964
		Tinker Creek	Upstreamside Orange Avenue	*925
			Downstreamside Preston Avenue	*960
		Glade Creek	Upstream Normandy Street	*913
			Downstreamside Berkley Road	*927
		Glade Creek tributary	Upstream State 653	*937
			Upstreamside U.S. 460	*1005
		Lick Run	Upstream 8th Street	*917
			Upstream Orange Avenue	*940
		Trout Run	Upstream 5th Street	*931
			Upstream 7th Street	*941
		Barnhardt Creek	Downstreamside U.S. 11	*997
			Upstream U.S. 11	*1002
			Upstreamside Crestmoor Drive	*1018
		Mudlick Creek	Upstream Mudlick Road	*981
			Upstreamside Grandin Road	*1003
		Carvin Creek	Upstream Hollins Road (State 601)	*983
			Downstream Hershberger Road	*995
		Garnard Branch	Upstream Riverland Road	*918
			Upstream Findlay Road	*953
		Gum Spring Branch	Upstream Garden City Boulevard	*990
			Downstream Tipton Avenue	*1068
		Murray Run	Upstream Brandon Avenue	*940
			Upstream West Drive	*980
			Upstream corporate limits	*1068
		Ore Branch	Upstream Wiley Drive	*936
			Upstream approximately 80' upstream Broadway	*966
		Ore Branch Tributary	At confluence with Ore Branch	*1,065
			Approximately 1,990' upstream of culvert under U.S. Route 220	*1,140
		Peters Creek	Upstream Norfolk & Western Railway	*967
			Downstream Peachtree Drive	*1,024
Maps available for inspection at the Roanoke Municipal Building, 215 Church Avenue, Roanoke, Virginia.				
Wisconsin	(C) Boscobel, Grant County (Docket No. FEMA-6978)	Wisconsin River	About 500 feet downstream of U.S. Highway 61	*659
			About 3,300 feet upstream of U.S. Highway 61	*660
		Sanders Creek	About 1,600 feet upstream of Elm Street	*659
			About 100 feet upstream of Kansas Street	*669
			About 1,500 feet upstream of Fremont Street	*678
		Crooked Creek	About 400 feet southwest of Madison Street and U.S. Highway 61	*664
Maps available for inspection at the City Clerk's Office, City Hall, 1031 Wisconsin Avenue, Boscobel, Wisconsin.				

[National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator]

Issued: May 7, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-15342 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA 5712]

Letter of Map Amendment for the Borough of Riverton, New Jersey, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been

published. This list included the Borough of Riverton, New Jersey. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Borough of Riverton, New Jersey, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410 (202) 755-8570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map

amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 32294, Bethesda, Maryland 20034; Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 340114B, Panel 02, published on October 6, 1980 in 45 FR 66030, indicates that the property located at 707 Tenth Street, Riverton, New Jersey, as recorded in the Deed, Book 2384, Pages 158 through 159, in the Office of the Clerk of Burlington County, New Jersey, is within the Special Flood Hazard Area.

Map Number H & I 340114B, Panel 02, is hereby corrected to reflect that the structure on the above-mentioned property is not within the Special Flood Hazard Area identified on April 15, 1977.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,
Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15081 Filed 5-26-81; 8:45 am]
BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA 5712]

Letter of Map Amendment for the Borough of Pompton Lakes, New Jersey, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Borough of Pompton Lakes, New Jersey. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Borough of Pompton Lakes, New Jersey, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 345528C, Panel 01, published on October 6, 1980 in 45 FR 195, indicates that Lot 83, Block 6702 on a map entitled, "Subdivision Map Prepared for Summit Woods, "Borough of Pompton Lakes, New Jersey, dated April 1970 and filed as Map Number 2531, also known as 215 Summit Avenue and recorded in the Passaic County Clerk's Office in Book U-102 of Deeds at Page 444, is within the Special Flood Hazard Area.

Map Number H & I 345528C, Panel 01 is hereby corrected to reflect that the structure on the above-mentioned property is not within the Special Flood Hazard Area identified on October 15, 1976. This structure is located in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,
Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15081 Filed 5-26-81; 8:45 am]
BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA 5909]

Letter of Map Amendment for Lincoln County, Montana; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Lincoln County, Montana. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Lincoln County, Montana, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda,

Maryland 20034; Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 300157 Panel 0620B, published on October 6, 1980, in 45 FR 66111, indicates that a 2,000 acre parcel of land located in Government Lot 3, Section 30, T31N, R31W, P.M.M., Lincoln County, Montana, as recorded on Certificate of Survey No. 873, in the Office of the Clerk and Recorder, Lincoln County, Montana, is within the Special Flood Hazard Area.

Map No. H & I 300157 Panel 0620B is hereby corrected to reflect that the existing structure located on the above mentioned property is not within the Special Flood Hazard Area identified on August 1, 1980. This structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15062 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for St. Louis County, Missouri; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included St. Louis County, Missouri. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for St. Louis County, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related

financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 290327 Panel 0150A, published on October 6, 1980, in 45 FR 66107, indicates that Lots 4 and 5, The Woodlands Business Park, St. Louis County, Missouri, as recorded in Book 199, Pages 68 through 71, in the Office of the Recorder, St. Louis County, Missouri, are within the Special Flood Hazard Area.

Map No. H & I 290327 Panel 0150A is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on September 15, 1978. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-15065 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Blue Springs, Missouri, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Blue Springs, Missouri. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Blue Springs, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W. Washington, DC 20410 (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 290169 Panel 0005B, published on October 6, 1980, in 45 FR 66105, indicates that Lot 142, Vienna Woods, 3rd Plat, Blue Springs, Missouri,

recorded as Document No. I240420, in the Office of the Recorder, Jackson County, Missouri, is within the Special Flood Hazard Area.

Map No. H & I 290169 Panel 0005B is hereby corrected to reflect that the existing structure located on the above mentioned property is not within the Special Flood Hazard Area identified on September 15, 1978. This structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,
Acting Assistant Administrator, Federal
Insurance Administration.

[FR Doc. 81-15668 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Bingham County, Idaho; Under National Flood Insurance Program

AGENCY: Federal Insurance
Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Bingham County, Idaho. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Bingham County, Idaho, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to

purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034. Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 160018 Panel 0425B, published on October 6, 1980, in 45 FR 66123, indicates that a 1.0 acre tract of land, located in the Southwest Quarter, Northwest Quarter, Section 22, Township 2 South, Range 34 East, Boise Meridian, Bingham County, Idaho, recorded as Document No. 275485, in the Office of the Recorder, Bingham County, Idaho, is within the Special Flood Hazard Area.

Map No. H & I 160018 Panel 0425B is hereby corrected to reflect that those portions of the above-mentioned property which are at or above the base flood elevation of 4470.0 feet mean sea level are not within the Special Flood Hazard Area identified on November 15, 1979. The portions at or above 4470.0 feet mean sea level are located in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,
Acting Assistant Administrator, Federal
Insurance Administration.

[FR Doc. 81-15667 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the Town of Plainville, Connecticut; Under National Flood Insurance Program

AGENCY: Federal Insurance
Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Plainville, Connecticut. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Plainville, Connecticut, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 090034, Panel 0005B, published December 23, 1980, Vol. 45 in FR 84789, indicates that a parcel of land known as Lot 12A, Granger Lane, Plainville, Connecticut, as recorded in the Deed, Volume 204, Pages 145 and 146 in the Office of the Clerk of the Town of Plainville, Connecticut, is within the Special Flood Hazard Area.

Map Number H & I 090034, Panel 0005B, is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on November 19, 1980. This lot is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended: 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator.)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15068 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Aurora, Colorado, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Aurora, Colorado. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Aurora, Colorado, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-8570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same

policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 080002 Panel 0015A, published on October 6, 1980, in 45 FR 66109, indicates that Lots 9 and 10, Block 2, Calico Subdivision, Filing No. 1, Aurora, Colorado, as recorded in Book 45, Pages 46 and 47, in the Office of the Recorder, Arapahoe County, Colorado, are not within the Special Flood Hazard Area.

Map No. H & I 080002 Panel 0015A is hereby corrected to reflect that the above mentioned lots are within the Special Flood Hazard Area identified on June 7, 1979. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended: 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15069 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA 5909]

Letter of Map Amendment for the Unincorporated Area of Ozaukee County, Wisconsin; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Unincorporated Area of Ozaukee County, Wisconsin. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Unincorporated Area of Ozaukee County, Wisconsin, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood

insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-8570 or Toll Free Line (800) 424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. H&I 550310, Panel No. 11, published on October 6, 1980, in 45 FR 66089, indicates that a 75.40 acre parcel of land, being part of Government Lots Nos. 1 and 2 of the Northwest Fractional Quarter of Section 6, Township 10 North, Range 22 East, and that part of Government Lot No. 1, lying easterly of the Milwaukee River of the Northeast Fractional Quarter of Section 1, Township 10 North, Range 21 East, Town of Grafton, Unincorporated Area of Ozaukee County, Wisconsin, as recorded in Volume 164, Pages 349 and 350, in the Office of the Register of Deeds of Ozaukee County, Wisconsin, is located within the Special Flood Hazard Area.

Map No. H&I 550310, Panel No. 11, is hereby corrected to reflect that the northern one-half of parcel which lies above elevation 753.7 feet National Geodetic Vertical Datum, and that portion of the southern one-half of the parcel which lies above elevation 753.0 feet National Geodetic Vertical Datum including the existing easternmost dwelling located on the above-mentioned property are not within the Special Flood Hazard Area identified on May 16, 1977. The structure is in Zone C.

portions of parcels are in both Zones B and C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 13, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15717 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Houston, Texas, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Houston, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Houston, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may

obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480296 Panel 0055B, published on October 6, 1980, in 45 FR 66098, indicates that Inwood Greens, Section One, Houston, Texas, as recorded in Volume 295, Page 2 of Map Records, in the Office of the Clerk, Harris County, Texas, is within the Special Flood Hazard Area.

Map No. H & I 480296 Panel 0055B is hereby corrected to reflect that the existing structures located on the above mentioned property are not within the Special Flood Hazard Area identified on December 11, 1979. These structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15718 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Arlington, Texas, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Arlington, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Arlington, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing

that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 485454 Panel 0025B, published on October 6, 1980, in 45 FR 66097, indicates that Lot 1, Block 1; Lots 11, 20 through 22 and 26 through 31, Block 3; and Lots 1 through 8 and Tract A, Block 4, proposed Allenwood Estates, being a 19.61 acre tract of land out of a 32.0 acre tract of land in the R. R. Ramey Survey, A-1343, Arlington, Texas, as recorded in Book 5002, Pages 269 through 272, in the Office of the County Clerk, Tarrant County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 485454 Panel 0025B is hereby corrected to reflect that the above mentioned properties are not within the Special Flood Hazard Area identified on June 20, 1980. These properties are in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15719 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Greenville County, South Carolina, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Greenville County, South Carolina. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Greenville County, South Carolina that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-8570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or

broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b): Map No. H & I 450089, Panel 0010, published on October 8, 1980 in 45 FR 66070, indicates that Lots 309, 310, 313, 314, 323, 347 and 360 in Devenger Place, Section Number 13 and shown on the plat entitled "Property of College Properties, Incorporated," dated January 1981, and recorded in Plat Book 8-I at Page 62 in the Office of the County Register of Mesne Conveyance, Greenville, South Carolina, are within the Special Flood Hazard Area.

Map Number H & I 450089 Panel 0010 is hereby corrected to reflect that the above-mentioned lots are not within the Special Flood Hazard Area identified on December 2, 1980. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15720 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Salem, Oregon, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Salem, Oregon. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Salem, Oregon, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood

insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-8570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 410167 Panel 0005B, published on October 6, 1980, in 45 FR 66124, indicates that Lot 14, Block 6; and Lot 4, Block 9, Battlecreek Estates No. 3, Salem, Oregon, recorded as Instrument No. 23269 in Town Plats Volume 32, Page 29, in the Office of the Recorder, Marion County, Oregon, are within the Special Flood Hazard Area.

Map No. H & I 410167 Panel 0005B is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on June 15, 1979. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15721 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for City of North Little Rock, Ark.; Under National Flood Insurance Program**AGENCY:** Federal Insurance Administration, FEMA.**ACTION:** Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of North Little Rock, Arkansas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of North Little Rock, Arkansas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 050182, Panel 0004B, published on October 6, 1980 in 45 FR 66091, indicates that Lots 3, Block 17,

Overbrook Addition, North Little Rock, Arkansas, as recorded in Plat Book A-270, Page 79-30527, in the Office of the Clerk, Pulaski County, Arkansas, is not within the Special Flood Hazard Area.

Map No. H & I 050182, Panel 0004B is hereby corrected to reflect that the above mentioned property is partially within the Special Flood Hazard Area identified on July 16, 1980; However, the existing structure is not within the Special Flood Hazard Areas. This structure is in Zone C.

(National Flood Insurance Act of 1968 [Title XIII of Housing and Urban Development Act of 1968], effective January 28, 1969 [33 FR 17804, November 28, 1968], as amended [42 U.S.C. 4001-4128]; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.**Robert G. Chappell,**

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15670 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Phoenix, Ariz.; Under National Flood Insurance Program**AGENCY:** Federal Insurance Administration, FEMA.**ACTION:** Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Phoenix, Arizona. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Phoenix, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 040051 Panel 0030B, published on October 6, 1980, in 45 FR 66116, indicates that Lots 759, 760, 761, and 766, Deer Valley Village, Unit 6, Phoenix, Arizona, as recorded in Book 222, Page 18, in the Office of the Recorder, Maricopa County, Arizona, are within the Special Flood Hazard Area.

Map No. H & I 040051 Panel 0030B is hereby corrected to reflect that the existing structures located on the above mentioned lots are not within the Special Flood Hazard Area identified on December 4, 1979. These structures are in Zone B.

(National Flood Insurance Act of 1968 [Title XIII of Housing and Urban Development Act of 1968], effective January 28, 1969 [33 FR 17804, November 28, 1968], as amended [42 U.S.C. 4001-4128]; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.**Robert G. Chappell,**

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15671 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Phoenix, Ariz.; Under National Flood Insurance Program**AGENCY:** Federal Insurance Administration, FEMA.**ACTION:** Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying

Special Flood Hazard Areas have been published. This list included the City of Phoenix, Arizona. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Phoenix, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 040051 Panel 0075B, published on October 6, 1980, in 45 FR 66116, indicates that Villa Oeste, Phoenix, Arizona, as recorded in Book 210, Page 37, in the Office of the Recorder, Maricopa County, Arizona, is within the Special Flood Hazard Area.

Map No. H & I 040051 Panel 0075B is hereby corrected to reflect that the existing structures located on the above mentioned property are not within the Special Flood Hazard Area identified on December 4, 1979. These structures are in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44

FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

(FR Doc. 81-15672 Filed 5-26-81; 8:45 am)

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the Town of Southold, N.Y.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Southold, New York. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Southold, New York that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410 (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program

(NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 360813A, Panel 0085 published on October 6, 1980, in 44 FR 66036 indicates that a parcel of land located in the Town of Southold, Suffolk County, New York, as recorded in the Deed, Liber 7981, Page 21, in the Office of the Clerk of Suffolk County, New York, is within the Special Flood Hazard Area.

Map No. H & I 360813A, Panel 0085 is hereby corrected to reflect that the existing structure on the above-mentioned property is not within the Special Flood Hazard Area identified on March 18, 1980. This structure is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

(FR Doc. 81-15661 Filed 5-26-81; 8:45 am)

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of High Point, NC; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of High Point, North Carolina. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of High Point, North Carolina, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related

financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 370113, Panel 0007B, published on October 6, 1980 in 45 FR 66067, indicates that Units A, B, C and D, Building 16; Units A, B, C, D and E, Building 17; Units A, B, C, D and E, Building 18; and Units A, B, C and D, Building 19, Section D of Eastchester Village in the City of High Point, North Carolina, as recorded in Plat Book 1, Page 128 in the Office of the Register of Guilford County, North Carolina, are within the Special Flood Hazard Area.

Map Number H & I 370113, Panel 0007B is hereby corrected to reflect that the structures on the above-mentioned property are not within the Special Flood Hazard Area identified on November 1, 1979. These structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 13, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15682 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

4 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Tulsa, Okla.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Tulsa, Oklahoma. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Tulsa, Oklahoma, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 404381 D Panel 131, published on October 6, 1980, in 45 FR 66095, indicates that Building 1 through 11, Cambridge Square Condominiums, located on Lots 6 and 7, and portions of

Lots 2 and 23, Pecan Acres, Tulsa, Oklahoma, recorded as Document No. 808919 in Book 4428, Page 1348, in the Office of the Clerk, Tulsa County, Oklahoma, are within the Special Flood Hazard Area.

Map No. H & I 405381D Panel 131 is hereby corrected to reflect that the above mentioned buildings are not within the Special Flood Hazard Area identified on August 14, 1979. These buildings are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15683 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Tulsa, Okla.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Tulsa, Oklahoma. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Tulsa, Oklahoma, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 405381D Panel 96, published on October 6, 1980, in 45 FR 66095, indicates that Lot 19, Block 4, Wainwright Section of Shannon Park, 4th Addition, Tulsa County, Oklahoma, recorded as Document No. 881526 in Book 4483, Page 1623, in the Office of the Clerk, Tulsa, Oklahoma, is within the Special Flood Hazard Area.

Map No. H & I 405381D Panel 96 is hereby corrected to reflect that the above mentioned lot is not within the Special Flood Hazard Area identified on August 14, 1979. This lot is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,
Acting Assistant Administrator, Federal
Insurance Administration.

[FR Doc. 81-15064 Filed 5-26-81; 8:45 am]

BILLING CODE 6715-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Marion County, Ore.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Marion County, Oregon. It has been determined

by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Marion County, Oregon, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 410154 Panel 0275B, published on October 6, 1980, in 45 FR 66124, indicates that Lots 31 and 32, Block 1, Kooskooskee, Marion County, Oregon, as recorded in Volume 37 of Town Plats, Page 14, in the Office of the Recorder, Marion County, Oregon, are not within the Special Flood Hazard Area.

Map No. H & I 410154 Panel 0275B is hereby corrected to reflect that portions of the above mentioned lots would be inundated by a flood having a one-percent chance of occurrence in any given year (base flood); however, the existing structures located on the above mentioned lots are not within the Special Flood Hazard Area. These structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR

17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,
Acting Assistant Administrator, Federal
Insurance Administration.

[FR Doc. 81-15065 Filed 5-26-81; 8:45 am]

BILLING CODE 6715-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Salem, Ore.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Salem, Oregon. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Salem, Oregon, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410 (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or

broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 410167 Panel 0005B, published on October 6, 1980, in 45 FR 66124, indicates that Lot 13, Block 14, Battlecreek Estates No. 5, Salem, Oregon, as recorded in Book of Town Plats Volume 33, Page 36, in the Office of the Clerk and Recorder, Marion County, Oregon, is within the Special Flood Hazard Area.

Map No. H & I 410167 Panel 0005B is hereby corrected to reflect that the existing structure located on the above mentioned property is not within the Special Flood Hazard Area identified on July 15, 1979. This structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,
Acting Assistant Administrator, Federal
Insurance Administration.

[FR Doc. 81-15686 Filed 5-29-81; 8:45 am]
BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA 5909]

Letter of Map Amendment for the Village of Tinley Park, Ill.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Village of Tinley Park, Illinois. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Village of Tinley Park, Illinois, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related

financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 170169, Panel No. 0005B, published on October 6, 1980, in 45 FR 66075, indicates that Lots Nos. 17 through 20 and Lot No. 30, Brementowne South, Village of Tinley Park, Cook and Will Counties, Illinois, recorded as Instrument No. 25139727, in the Office of the Recorder of Cook County, Illinois, are located within the Special Flood Hazard Area.

Map No. 170169, Panel No. 0005B, is hereby corrected to reflect that the above-mentioned lots are not within the Special Flood Hazard Area identified on December 4, 1979. Lot No. 17 is in both Zone B and C. Lots Nos. 18 through 20 and Lot No. 30 are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal
Insurance Administration.

[FR Doc. 81-15677 Filed 5-29-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA 5909]

Letter of Map Amendment for the City of Rochester, Minn.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the City of Rochester, Minnesota. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Rochester, Minnesota, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 275246, Panel No. 0007B, published on October 6, 1980, in 45 FR 66083, indicates that Lots Nos. 1 through

16, Block 10, and Lots Nos. 1 and 2, Block 12, Homestead Trails First Replat, City of Rochester, Olmstead County, Minnesota, as recorded in Book Z of Plats, Page 17, in the Office of the Recorder of Olmstead County, Minnesota, are located within the Special Flood Hazard Area.

Map No. 275246, Panel No. 0007B, is hereby corrected to reflect that the above-mentioned lots are not within the Special Flood Hazard Area identified on February 4, 1981. The lots are in both Zone B and Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 13, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15963 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6063]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755-5585 or EDS Toll Free Line 800-638-6620 for Continental U.S. (except Maryland); 800-638-6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800-492-6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at

protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Pennsylvania: York County	East Hopewell, township of	422218	810416, emergency, 810416, regular	Dec. 27, 1974.
North Dakota: Divide County	Noonan, city of	380191	760326, emergency, 810421, regular	Feb. 21, 1975.
Indiana: Porter County	Dune Acres, town of	180205	750606, emergency, 810424, regular	Dec. 28, 1973.
Pennsylvania: Franklin County	Antrim, township of	421233	740326, emergency, 810424, regular	Sept. 20, 1974.
Pennsylvania: Allegheny County	Munhall, borough of	420056	750306, emergency, 810424, regular	Jan. 1, 1974.
Total is 5.				

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 14, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-15727 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register

Vol. 46, No. 101

Wednesday, May 27, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 801 0077]

Palm Beach Company; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Cincinnati, Ohio manufacturer and seller of men's apparel and accessories to cease attempting to fix the resale prices at which its products are advertised or sold, through coercion or otherwise. The order would also prohibit the company from withholding any earned advertising credit or benefit from recalcitrant dealers, and bar the firm from restricting the lawful use of its trademarks and brand names. Additionally, the firm would be precluded from seeking the identity of dealers who deviate from suggested resale prices and from disseminating suggested resale prices for a period of three years, unless such prices are accompanied by a specified disclosure statement.

DATE: Comments should be received on or before July 27, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/CD, Benjamin S. Sharp, Washington, D.C. 20580, (202) 523-3522. Judith D. Ford, Director, 9R, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, Calif. 94102, (415) 556-1270.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

Palm Beach Co.

[File No. 801 0077]

In the Matter of Palm Beach Company, a corporation, agreement containing Consent Order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Palm Beach Company, a corporation, and it now appearing that Palm Beach Company, a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Palm Beach Company, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Palm Beach Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Maine, with its office and principal place of business located at 400 Pike Street, in the City of Cincinnati, State of Ohio.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

- (a) Any further procedural steps;
- (b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and
- (c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto

publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint hereto attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Rule 2.34, the Commission may, without further notice to proposed respondent (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and is decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purposes of this Order, the following definitions shall apply:

"Product" is defined as any item of wearing apparel or related accessory which is manufactured, offered for sale or sold by the men's Division of respondent.

"Dealer" is defined as any person, partnership, corporation or firm which sells any product in the course of its business.

"Resale Price" is defined as any price, price floor, price ceiling, price range, or any mark-up, formula or margin of profit used by any dealer for pricing any product. Such term includes, but is not limited to, any suggested,

established or customary resale price as well as the retail price in effect at any dealer.

"Sale Period" is defined as any time during which any dealer offers to sell any product at resale prices lower than those in effect during the usual and ordinary course of said dealer's business; or any suggested, authorized or customary time for selling or advertising any product at prices lower than the suggested, established or customary resale prices.

It is ordered that respondent Palm Beach Company, a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or indirectly, or through any corporation, subsidiary, division or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

I

1. Fixing, establishing, controlling or maintaining, directly or indirectly, the resale price at which any dealer may advertise, promote, offer for sale or sell any product, or the sale period of any dealer.

2. Requesting, requiring or coercing, directly or indirectly, any dealer to maintain, adopt or adhere to any resale price or sale period.

3. Announcing to any dealer that respondent may or will refuse to deal with any dealer who does not abide by any resale price for any product.

4. Requesting or requiring, directly or indirectly, any dealer to report the identity of any other dealer who deviates from any resale price or sale period; or acting on any reports or information so obtained by threatening, intimidating, coercing, or terminating said dealer.

5. Requesting or requiring that any dealer refrain from or discontinue selling or advertising any product at any resale price.

6. Hindering or precluding the lawful use by any dealer of any brand name, trade name or trademark of respondent in connection with the sale or advertising of any product at any resale price.

7. Making any payment or granting any consideration, service or benefit to any dealer because of the resale price at which any other dealer has advertised or sold any product.

8. Conducting any surveillance program to determine whether any dealer is advertising, offering for sale or selling any product at any resale price, where such surveillance program is conducted to fix, maintain, control or enforce the resale price at which any product is sold or advertised.

9. Terminating or taking any other action to restrict, prevent or limit the sale of any product by any dealer because of the resale price at which said dealer has sold or advertised, is selling or advertising, or is suspected of selling or advertising any product.

10. Threatening to withhold or withholding earned cooperative advertising credits or allowances from any dealer, or limiting or restricting the right of any dealer to participate in any cooperative advertising

program for which it would otherwise qualify, because of the resale price at which said dealer advertises or sells any product, or proposes to sell or advertise any product.

II

1. For a period of three (3) years from the date of service of this Order, orally suggesting or recommending any resale price or sale period to any dealer.

2. For a period of three (3) years from the date of service of this Order, communicating in writing any resale price or sale period to any dealer, provided, however, that after said three (3) year period, respondent shall not suggest any resale price or sale period on any list, or in any advertising, book, catalogue or promotional material, unless it is clearly and conspicuously stated on each page where any suggested resale price or sale period appears, the following:

"THE [RESALE PRICES OR SALE PERIODS] QUOTED HEREIN ARE SUGGESTED ONLY. YOU ARE FREE TO DETERMINE YOUR OWN [RESALE PRICES OR SALE PERIODS]."

III

It is further ordered that respondent shall:

1. Within thirty (30) days after service of this Order, mail under separate cover a copy of the enclosure set forth in the Attached Exhibit A to each present account of its Men's Division. An affidavit shall be sworn to by an official of the respondent verifying that the attached Exhibit A was so mailed.

2. Mail under separate cover a copy of the enclosure set forth in the Attached Exhibit A to any person, partnership, corporation or firm that becomes a new account of its Men's Division within three (3) years after service of this Order.

IV

It is further ordered that respondent shall forthwith distribute a copy of this order to its Men's Division, and to present or future personnel, agents or representatives of its Men's Division having sales, advertising or policy responsibilities with respect to the subject matter of this order, and that respondent secure from each such person a signed statement acknowledging receipt of said order.

V

It is further ordered that respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

VI

It is further ordered that respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Exhibit A

Dear Retailer: Without admitting any violation of the law, Palm Beach Company

has agreed to the entry of an Order by the Federal Trade Commission regulating certain distribution practices of the Men's Division. In connection therewith, the Company is required to send you this letter describing the Order.

With respect to products of the Men's Division, the Order provides, among other things, as follows:

1. You can advertise and sell Palm Beach Company's Men's Division's products at any price you choose.

2. Palm Beach will not take any action against you, including termination, because of the price at which you advertise or sell Men's Division products.

3. Palm Beach will not suggest retail prices for any product until 3 years from the date of service of the Order.

4. The price at which you sell or advertise Palm Beach Men's Division products will not affect your right to use Palm Beach trademarks or other identification in your sale or advertising of products bearing Palm Beach trademarks or identification.

5. You are free to participate in any cooperative advertising program sponsored by Palm Beach for which you would otherwise qualify, and to receive any advertising credit or allowance allowed thereunder regardless of the price at which you advertise the Palm Beach Men's Division product.

6. If you feel that you have lost sales or been forced to mark down any Palm Beach Men's Division product because of the prices at which another retailer has sold those products, Palm Beach cannot offer any financial assistance to compensate you for such lost sales or markdowns.

If you have any questions regarding the Order or this letter, please call _____.

For Palm Beach Company, Men's Division.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Palm Beach Company, a prominent manufacturer of men's tailored clothing.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint in this matter alleges that Palm Beach Company's Men's Division has restrained trade by fixing the resale prices at which its dealers advertise, offer for sale and sell Men's Division products.

The consent agreement provides as follows:

1. Palm Beach Company cannot fix or otherwise control the resale prices at which its Men's Division's products are sold or advertised.

2. As to products which bear any of its trademarks or other identifications, Palm Beach Company cannot restrict any dealer from lawfully using any such trademark or other identification in the sale or advertising of such products.

3. Palm Beach Company's Men's Division cannot suggest retail prices for any product for three years from service of the order.

4. Palm Beach Company's Men's Division may not compensate any account because a competitor has sold Men's Division products at less than any published resale price or at less than a traditional markup, either to facilitate such account's attempt to meet such lower price or to compensate such account for lost sales because of its refusal to meet the lower price.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-15722 Filed 5-26-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 505

[Army Reg. 340-21]

Personal Privacy and Rights of Individuals Regarding Personal Records

AGENCY: Department of the Army.

ACTION: Notice of proposed rule making—Privacy Act.

SUMMARY: The Army proposes to delete the exemption rules for the Army systems of records A0709.03aDAPE, entitled "United States Military Academy Cadet Files," and A0709.03bDAPE, entitled "United States Corps of Cadets Personnel Records." A0709.03bDAPE was deleted as a system of records and the system notice for A0709.03aDAPE was redesignated and amended on April 27, 1981.

DATES: Comments must be received on or before June 26, 1981.

ADDRESSES: Comments may be submitted to Headquarters, Department of the Army, the Adjutant General's Office (DAAG-AMR-R), Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT:

Mrs. Dorothy Karkanen, telephone: 703/325-6163.

SUPPLEMENTARY INFORMATION: System of records A0709.03bDAPE was deleted as a system of records and the system notice for A0709.03aDAPE was amended by FR Doc. 81-12660 (46 FR 23523), April 27, 1981.

Accordingly § 505.9 of 32 CFR 505 will be amended by removing the exemptions for and references to A0709.03aDAPE and A0709.03bDAPE and inserting the following:

§ 505.9 Exemption rules for Army systems of records.

Exempted Record Systems

(Specific Exemptions)

ID—A0709.03DAPE.
System Name—U.S. Military Academy Personnel Cadet Records.

Exemption—All portions of this system of records which fall within 5 U.S.C. 552a(k)(5) or (7) are exempt from the following provision of Title 5 U.S.C. section 552a: (d).

Authority—5 U.S.C. 552a(k)(5) and (7).

Reasons—It is imperative that the confidential nature of evaluation and investigatory material on candidates, cadets, and graduates, furnished to the United States Military Academy under promise of confidentiality, be maintained to insure the candid presentation of information necessary in determinations involving admission to the Military Academy and suitability for commissioned service and future promotion.

M. S. Healy,

OSD Federal Register Liaison Officer,
Washington, Headquarters Services,
Department of Defense.

May 20, 1981.

[FR Doc. 81-13708 Filed 5-26-81; 8:45 am]

BILLING CODE 3710-08-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS-62003C; TSH-FRL 1820-5]

Polychlorinated Biphenyls (PSBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions; Proposed Restrictions on Use at Agricultural Pesticide and Fertilizer Facilities, Abeyance of Proposed Rule Amendment

Correction

In FR Doc. 81-13708 appearing on page 25411 in the issue of Wednesday, May 6, 1981, third column, first full

paragraph, fourteenth line, "May 9, 1980" should read "May 2, 1980".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6061]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Arizona, et al.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact

stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities.

These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new

buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Arizona	Snowflake (Town), Navajo County	Silver Creek	220 feet downstream from center of Lundquist Lane	*5,576
			100 feet upstream from center of Cooper Lane	*5,583
			100 feet upstream from center of Apache Railroad bridge	*5,593
		Cottonwood Wash	300 feet upstream from center of Savage Lane	*5,606
			Confluence with Silver Creek	*5,575
			100 feet upstream from center of Ramsey Avenue	*5,580
			150 feet upstream from center of Apache Railroad bridge	*5,593
Maps available for inspection at Department of Public Works, 1st West & 1st South, Snowflake, Arizona. Send comments to the Honorable Dean Flake, P.O. Box AE, Snowflake, Arizona 85937.				
Arkansas	City of Holly Grove, Monroe County	White River	South Smith Street and Central Avenue	*178
			Northeast Quadrant Fourth Avenue and Pine Street	*179
Maps available for inspection at City Hall, 105 South Smith Street, Holly Grove, Arkansas. Send comments to Mayor Bill Brooks or Mr. Jerry Hopper, City Manager, City Hall, 105 South Smith Street, Holly Grove, Arkansas 72069.				
Arkansas	Town of Montrose, Ashley County	Bayou Bartholomew	West Seventh Street and Hamburg Street	*126
Maps available for inspection at Town Hall, Montrose, Arkansas 71658. Send comments to Mayor Jack Edwards, City Hall, General Delivery, Montrose, Arkansas 71658.				
Arkansas	City of Wilmot, Ashley County	Bayou Bartholomew	West side of intersection of Curry Street and Missouri Pacific Railroad	*111
			Southwest Corner of intersection of W. Main Street and Northern Corporate Limits	*112
Maps available for inspection at City Hall, Wilmot, Arkansas 71646. Send comments to Mayor Place or Marion Hughes, City Treasurer, City Hall, Wilmot, Arkansas 71676.				
Colorado	Buena Vista (Town), Chaffee County	Cottonwood Creek—North Branch	20 feet upstream from center of Arizona Street	*7,899
		Cottonwood Creek—Middle Branch	25 feet upstream from center of James Street	*7,976
		Shallow Flooding	At the intersection of James Street and Yale Place	*7,976
		Overland Flow Shallow Flooding	At the intersection of Gunnison Avenue and Main Street	*7,955
		Cotton Creek—South Branch Shallow Flooding	At the intersection of Pleasant Avenue and Mill Street	*7,996
Maps available for inspection at Town Hall, 210 E. Main, Buena Vista, Colorado. Send comments to the Honorable Jerome Steinhauer, P.O. Box 2002, Buena Vista, Colorado 81211.				
Colorado	Del Norte (Town), Rio Grande County	Rio Grande River	At intersection of Pine Street and First Street	*7,875
Maps available for inspection at Town Hall, 140 Spruce, Del Norte, Colorado. Send comments to the Honorable Terry S. Blackmon, Box M, Del Norte, Colorado 81132.				
Colorado	La Junta (City), Otero County	Arkansas River	Intersection of Lewis Avenue and First Street (U.S. Route 50 and State Route 109)	*4,056
		Anderson Arroyo	40 feet upstream of intersection of Fifth Street and Anderson Arroyo	*4,082
		King Arroyo	10 feet downstream of intersection of Sixth Street and King Arroyo	*4,066
Maps available for inspection at Utility Room, City Hall, 6th and Colorado, La Junta, Colorado. Send comments to the Honorable Harold Harper, P.O. Box 489, La Junta, Colorado 81050.				
Colorado	Salida (City), Chaffee County	South Arkansas River	600 feet south from intersection of Palmer Street and U.S. Highway 50	*7,040
Maps available for inspection at Land and Survey Inspector's Office, 234 E Street, Salida, Colorado. Send comments to the Honorable Edward Toubert, P.O. Box 519, Salida, Colorado 81201.				
Connecticut	Barkhamsted, Town, Litchfield County	West Branch Farmington River	Downstream Corporate Limits	*396
			Confluence of Morgan Brook	*406
			State Route 318 (Upstream side)	*418
			Approximately 8,200' upstream of State Route 318 (Access Road extended)	*442
			Upstream Corporate Limits	*502
		Morgan Brook	Confluence with West Branch Farmington River	*406
			Morgan Brook Drive (Upstream side)	*450
			Approximately 1,100' upstream of Morgan Brook Drive	*478
			State Route 318 (Upstream side)	*524
Maps available for inspection at the Barkhamsted City Hall, P.O. Box 200, Pleasant Valley, Connecticut. Send comments to the Honorable James Hart, First Selectman of Barkhamsted, Barkhamsted City Hall, P.O. Box 200, Pleasant Valley, Connecticut 06063.				

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Connecticut	Harwinton, Town, Litchfield County	Naugatuck River	Downstream Corporate Limits	*496
			Downstream State Route 118	*508
			Upstream Bogue Road	*519
			Upstream Corporate Limits	*521
		Leadmine Brook	Upstream State Route 4	*580
			Upstream Highway Road extended	*684
			Downstream Twin Ponds	*708
Maps available for inspection at the Town Clerk's Office, Town Office, Harwinton, Connecticut.				
Send comments to Honorable Lloyd Shanley, First Selectman of Harwinton, Harwinton Town Offices, Harwinton, Connecticut 06791.				
Connecticut	Somers, Town, Tolland County	Scantic River	Corporate Limits	*183
			Maple Street (Upstream side)	*189
			Four Bridges Road	*194
			King Road (Upstream side)	*199
			Corporate Limits	*217
		Abbey Brook	Confluence with Scantic River	*191
			Billings Road (Downstream side)	*202
			475' upstream of North District Road	*210
		Gulf Stream	Confluence with Scantic River	*192
			Ninth District Road (Downstream side)	*203
			State Route 63 (Downstream side)	*245
		Schanade Brook	550' upstream of Route 63	*248
			Confluence with Thrasher Brook	*195
			Turnpike Road (Downstream side)	*205
		Thrasher Brook	2,630' upstream of Turnpike Road	*242
			Confluence with Scantic River	*195
			King Road (Upstream side)	*204
			1,165' upstream of King Road	*209
Maps available for inspection at the Town Clerk's Office, Somers Town Hall, 606 Main Street, Somers, Connecticut.				
Send comments to the Honorable Steve Cominski, First Selectman of Somers, Somers Town Hall, 606 Main Street, Somers, Connecticut 06071.				
Idaho	Fernan Lake (City), Kootenai County	Fernan Lake	Approximately 20 feet southeast of the intersection of This Lane and Five Firs Drive.	*2,136
Maps available for inspection at City Clerk's Home, 209 Bruce Drive, Coeur d'Alene, Idaho.				
Send comments to the Honorable John A. Pierce, 211 Bruce Drive, Coeur d'Alene, Idaho 83814.				
Idaho	Hayden Lake (City), Kootenai County	Hayden Lake	Approximately 400 feet east of the intersection of Easy Street and Hayden Avenue.	*2,243
Maps available for inspection at City Hall, Lakeview Drive, Hayden Lake, Idaho.				
Send comments to the Honorable Ted Menzies, P.O. Box 418, Hayden Lake, Idaho 83835.				
Idaho	Kootenai County (Unincorporated Areas)	Spokane River	Upstream side of intersection of Chicago, Milwaukee, St. Paul & Pacific Railroad and channel.	*2,039
			Intersection of Spokane Avenue and the channel	*2,126
			Intersection of Spokane River and Lake Coeur d'Alene	*2,136
		Wolf Lodge Creek	Upstream side of the intersection of U.S. Interstate 90 and channel.	*2,136
			Upstream side of intersection of Meyer Hill Road and channel.	*2,248
		Coeur d'Alene River	Black Lake	*2,136
			Killarney Lake	*2,137
			Rose Lake	*2,139
			Intersection of Dudley Road and Fourth of July Creek Bridge.	*2,142
		Latour Creek	Downstream side of intersection of U.S. Interstate 90 and channel.	*2,146
			The upstream side of intersection of Dudley Road and channel.	*2,146
Maps available for inspection at Planning & Zoning Department, Kootenai County Courthouse, 501 Government Way, Coeur d'Alene, Idaho.				
Send comments to the Honorable Glenn R. Jackson, 501 Government Way, Coeur d'Alene, Idaho 83814.				
Idaho	Post Falls (City), Kootenai County	Spokane River	Intersection of Spokane Avenue and channel	*2,126
Maps available for inspection at Planning & Zoning Department, 408 Spokane, Post Falls, Idaho.				
Send comments to the Honorable Frank Henderson, P.O. Box 789, Post Falls, Idaho 83854.				
Idaho	Priest River (City), Bonner County	Pend Oreille River	Intersection of center of U.S. Highway 2 (State Highway 200) and Priest River.	*2,070
Maps available for inspection at City Clerk's Office, City Hall, 209 High Street, Priest River, Idaho.				
Send comments to the Honorable Arthur Thayer, P.O. Box 415, Priest River, Idaho 83856.				
Idaho	Sand Point (City) Bonner County	Lake Pend Oreille	Intersection of Pacific Street and South Second Avenue.	*2,071
			Intersection of center of Bridge Street and Sand Creek.	*2,070
Maps available for inspection at Engineering Department, City Hall, 110 Main Street, Sand Point, Idaho.				
Send comments to the Honorable Sally Cupan, 110 Main Street, Sand Point, Idaho 83864.				

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
Massachusetts	Leicester, Town, Worcester County	French River	Corporate limits (downstream)	*667	
			Downstream of Conrail	*685	
			Stafford Street	*689	
			Dam (downstream)	*691	
			Dam (upstream)	*705	
			Pleasant Street	*736	
			Greenville Pond Dam (downstream)	*756	
			Greenville Pond Dam (upstream)	*763	
			Green Street	*769	
			0.27 mile upstream from Green Street	*780	
		Town Meadow Brook	0.42 mile upstream from Green Street	*795	
			0.93 mile downstream from Pine Street	*810	
			Pine Street	*820	
			Dutton Pond	*839	
			0.165 mile upstream of Dutton Pond	*855	
			At culvert 0.21 mile downstream of SR 9	*878	
			SR 9	*899	
			Sargent Pond Dam (downstream)	*904	
			Sargent Pond Dam (upstream)	*909	
			Lynde Brook	Main Street	*703
		0.12 mile above Main Street		*715	
		0.20 mile above Main Street		*725	
		0.31 mile above Main Street		*742	
		0.38 mile above Main Street		*758	
		0.45 mile above Main Street		*771	
		0.48 mile above Main Street		*790	
		Lynde Brook Reservoir Dam		*825	
Maps available for inspection at the Leicester Planning Board, Washburn Square, Leicester, Massachusetts.					
Send all comments to Honorable Paul Venditti, Chairman of the Leicester Board of Selectmen, Leicester Town Hall, Washburn Square, Leicester, Massachusetts 01524.					
Massachusetts	Lenox, Town, Berkshire County	Housatonic River	Downstream Corporate Limits	*926	
			Upstream of Mill Street	*936	
			Upstream of Brown Street extended	*945	
			Upstream of Valley Mill Dam	*955	
			Upstream of Corporate Limits	*962	
			Yokum Brook	Downstream of East Street	*966
				Downstream of Edgewood Drive	*991
				Approximately 500' upstream of Edgewood Drive	*1,002
				Approximately 2,375' upstream of Edgewood Drive	*1,020
				Approximately 3,500' downstream of New Lenox Road	*1,040
		Approximately 2,400' downstream of New Lenox Road		*1,080	
		Downstream of New Lenox Road		*1,110	
		Downstream of U.S. Routes 7 & 20		*1,120	
		Downstream of West Mountain Road (Downstream crossing)		*1,134	
		Approximately 2,100' downstream of Lime Kiln Road		*1,152	
		Approximately 640' downstream of Lime Kiln Road		*1,190	
		Sawmill Brook	Upstream of Lime Kiln Road	*1,219	
			Upstream of East Street	*1,020	
			Downstream of Sherwood Drive	*1,047	
			Upstream of Sherwood Drive	*1,059	
			Approximately 120' downstream of Hubbard Street	*1,106	
			Upstream of Hubbard Street	*1,119	
			Approximately 590' upstream of Hubbard Street	*1,129	
			Downstream of U.S. Routes 7 & 20	*1,159	
		Marsh Brook	Downstream Corporate Limits	*1,006	
			Downstream of Private Road	*1,033	
		Sargent Brook	Downstream of West Street	*1,037	
			Downstream Corporate Limits	*978	
			Upstream of Private Road (extended)	*963	
			Downstream of Plunkett Street	*1,030	
Maps available for inspection at the Lenox Town Hall, Walker Street, Lenox, Massachusetts.					
Send all comments to the Honorable John J. Pignatelli, Chairman of the Lenox Board of Selectmen, Lenox Town Hall, Walker Street, Lenox, Massachusetts 01240.					
Michigan	(C) Alma, Gratiot County	Pine River	At downstream corporate limits	*725	
			Just downstream of Superior Street	*730	
			About 1.0 mile upstream of State Street Dam	*735	
Maps available for inspection at the City Hall, 525 East Superior Street, Alma, Michigan.					
Send comments to Honorable Henry S. Heloman, Mayor, City of Alma, 525 East Superior Street, Alma, Michigan 48801.					
Michigan	(C) Owosso, Shiawassee County	Shiawassee River	At downstream corporate limits	*719	
			About 600 feet upstream of Shiawassee Street	*727	
			About 800 feet upstream of Main Street	*729	
			About 400 feet upstream of Washington Street	*732	
			About 3000 feet upstream of Gould Street	*734	
Maps available for inspection at the Clerk's Office, City Hall, 301 To 307 West Main Street, Owosso, Michigan.					
Send comments to Honorable Marvin N. Schoenhals, Mayor, City of Owosso, 301 To 307 West Main Street, Owosso, Michigan 48867.					
Minnesota	(C) Brooklyn Park, Hennepin County	Mississippi River	At downstream corporate limits	*818	
			Just downstream of Coon Rapids Dam	*827	
			Just upstream of Coon Rapids Dam	*832	

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			At upstream corporate limits	*834
		Eagle Creek	Within corporate limits	*875
		Shingle Creek	At downstream corporate limits	*846
			Just downstream of Noble Avenue	*853
			Just downstream of 74th Avenue North	*859
			Just upstream of 77th Avenue North (near Brunswick Avenue North)	*868
			About 150 feet downstream of U.S. Highway 52	*870
			Just downstream of Boone Avenue	*871
		Bass Creek	At confluence of Eagle Creek	*871
			Just upstream of Park Road	*881
			Just downstream of 62nd Avenue North	*682
Maps available for inspection at the City Hall, 5800 85th Avenue, North, Brooklyn Park, Minnesota.				
Send comments to Honorable James Krautkremer, Mayor, City of Brooklyn Park, City Hall, 5800 85th Avenue, North, Brooklyn Park, Minnesota 55443.				
New Jersey	Bordentown, City, Burlington County	Crosswicks Creek	Downstream corporate limits	*14
			Upstream corporate limits	*14
		Blacks Creek	Downstream corporate limits	*14
			Burlington Street	*14
			Upstream corporate limits	*14
Maps available for inspection at the Office of the City Clerk, City Hall, 324 Farnsworth Avenue, Bordentown, New Jersey.				
Send comments to Honorable Joseph R. Maloano, III, Mayor of the City of Bordentown, 324 Farnsworth Avenue, Bordentown, New Jersey 08505.				
New Jersey	Florence, Township, Burlington County	Delaware River	Downstream Corporate Limits	*11
			Upstream Corporate Limits at confluence with Crafts Creek	*13
		Bustleton Creek	Downstream Corporate Limits	*16
			U.S. Route 130 (Upstream side)	*30
		Crafts Creek	At confluence with Delaware River	*13
			Conrail (Upstream side)	*17
			U.S. Route 130	*17
Maps available for inspection at the Office of the Town Administrator, 1350 Hornburger Avenue, Roebling, New Jersey.				
Send comments to Honorable Sharon A. Worrell, Mayor of the Township of Florence, 1350 Hornburger Avenue, Roebling, New Jersey 08554.				
New Jersey	Haddon, Township, Camden County	Cooper River—Eastern Section of Township	Downstream Corporate Limits	*13
			Upstream Corporate Limits	*14
		Newton Creek—Western Section of Township	Entire Shoreline	*10
		South Branch Newton Creek—Western Section of Township	Entire Shoreline	*10
		Newton Creek—Eastern Section of Township	Downstream Corporate Limits	*11
			West Park Boulevard (Upstream side)	*26
			Upstream Corporate Limits	*44
Maps available for inspection at the Office of the Township Clerk, Municipal Building, Haddon and Reeve Avenue, Westmont, New Jersey.				
Send comments to Honorable William G. Rohrer, Mayor of the Township of Haddon, Municipal Building, Haddon and Reeve Avenue, Westmont, New Jersey 08108.				
New York	Orchard Park, Village, Erie County	South branch Smokes Creek	Upstream Freeman Road and Spillway	*803
			Downstream Corporate Limits	*804
			Downstream ECSD Road	*808
			Upstream ECSD Road	*814
			Approximately 580' upstream ECSD Road	*816
			Upstream Spillway	*846
			Upstream South Buffalo Street	*848
			Upstream Corporate Limits	*849
			Jewett-Holmwood Road	*863
		Northwest branch Smokes Creek	Downstream Corporate Limits	*857
			Upstream Forest Drive	*867
			Downstream Highland Avenue	*868
			Upstream Corporate Limits	*870
Maps available for inspection at the Village Office, 4295 South Buffalo Street, Orchard Park, New York.				
Send comments to Honorable Scott McFarland, Mayor of Orchard Park, Village Office, 4295 South Buffalo Street, Orchard Park, New York 14127.				
New York	Williamsville, Village, Erie County	Ellicott Creek	Approximately 900' downstream of downstream Corporate Limits	*607
			Downstream Corporate Limits	*608
			First crossing of upstream Corporate Limits	*675
			Upstream of Wehrle Drive	*679
			Upstream Corporate Limits	*685
Maps available for inspection at the office of the Village Clerk, Village Hall, 5583 Main Street, Williamsville, New York.				
Send comments to Honorable Gordon J. Kuzor, Mayor of the Village of Williamsville, Village Hall, 5583 Main Street, Williamsville, New York 14221.				
North Carolina	Unincorporated areas of Cumberland County	Cape Fear River	Just upstream of U.S. Interstate I-95	*90
		Rockfish Creek	Just upstream of Highway 301	*90
			Just upstream of North Carolina 59	*91
			Just upstream of State Road 1255	*103
			Just upstream of Upchurch Dam	*128
		Little Rockfish Creek	Just downstream of State Road 1003	*112
			Just downstream of State Road 1106	*130
			Just downstream of State Road 1104	*138
			Just downstream of U.S. Highway 401	*175
		Buckhead Creek	Just upstream of State Road 1003	*116

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Just upstream of Cumberland Rd.	*145
			Just downstream of U.S. Highway 401	*184
		Beaver Creek	Just upstream of Cumberland Road (St. Rd. 1141)	*127
			Just downstream of Morgantown Rd (State Road 1404)	*165
			Just upstream of Santa Fe Drive	*185
		Beaver Creek tributary A	Just upstream of Bingham Drive	*172
			Just upstream of U.S. Highway 401 (RaeFord Road)	*192
		Beaver Creek tributary B	Just upstream of breached dam	*133
		Stewarts Creek	Just upstream of Reilly Road	*188
			Just upstream of South Ingleside Drive	*191
		Country Club branch tributary A (flooding effects from Country Club branch)	Just downstream of dam	*147
		Carvers Creek	Just upstream of Norfolk Southern Railroad	*92
			Just upstream of U.S. Highway 401	*111
		Persimmon Creek	Just upstream of Morgantown Road (St. Rd. 1404)	*187
		Bones Creek	Just upstream of U.S. Highway 401 (RaeFord Road)	*164
			Just upstream of State Road 1400 (Cliffdale Rd)	*175
		Bones Creek tributary A	Just upstream of State Road 1393	*180
		Mill Creek	Just upstream of private drive	*186
		Blounts Creek	Just upstream of dam	*134
		Cross creek	Just upstream of Shaw Mill Road	*157
		Carvers Creek tributary A	Just upstream of Wolf Point Rd	*125
		Cedar Falls Creek	Just upstream of U.S. Highway 401	*110
		Cedar Falls Creek tributary A	Just upstream of U.S. Highway 401	*111
			Just upstream of earth dam	*149
		Little River	Just downstream of State Highway 210	*142
			Just upstream of Manchester Road (St. Rd. 1451)	*152
			Just downstream of State Highway 87	*152
		Tank Creek	Just downstream of Seaboard Coastline Railroad	*174
Maps available for inspection at Cumberland County Planning Department, Old County Courthouse, Gillespie Street, Fayetteville, North Carolina 28305.				
Send comments to Mr. Harry Perkins, County Manager, or Mr. Cliff Strassenburg, Planning Director, P.O. Drawer 1829, Fayetteville, North Carolina 28305.				
North Carolina	Town of Grifton, Pitt and Lenoir Counties	Contentnea Creek	Intersection of Water Street and Main Street	*23
		Contentnea Creek—south tributary	Intersection of Gordon Street and McCrae Street	*30
Maps available for inspection at Town Hall, West Queen Street, Grifton, North Carolina.				
Send comments to the Honorable David E. Bosley, P.O. Box 538, Grifton, North Carolina 28530.				
North Carolina	Town of Mount Olive, Wayne and Duplin Counties	Northeast Cape Fear River	Upstream of State Road 1004	*135
		Thunder Swamp	Upstream of State Road 1147	*139
		Thunder Swamp tributary	Downstream of State Road 1141	*142
			Upstream of State Road 1141	*144
		Pasture branch	Downstream of Bell Avenue	*144
			Upstream of Bell Avenue	*148
		Lee branch	Downstream of State Road 1138	*138
			Upstream of State Road 1138	*143
Maps available for inspection at Town Hall, East James Street, Mount Olive, North Carolina 28365.				
Send comments to Mayor I. Ray McDonald or Mr. Niel Mallory, Town Administrator, Town Hall, 114 East James Street, Mount Olive, North Carolina 28365.				
North Carolina	Town of Seven Springs, Wayne	Neuse River	Just upstream of Main Street	*55
			At the intersection of State Road 1739 and Simmons Street	*55
Maps available for inspection at Town Hall, East Spring Street, Seven Springs, North Carolina 28578.				
Send comments to Mayor Ora Gray Sutton or Mr. McKinley Griffen, Mayor Pro-Tem, Town Hall, P.O. Box 186, Seven Springs, North Carolina 28578.				
Oklahoma	Town of Gans, Sequoyah county	Onion Creek	Just downstream of Kobel Avenue (low water crossing)	*516
			At confluence with Onion Creek tributary	*524
Maps available for inspection at Town Hall, Gans, Oklahoma 74936.				
Send comments to Mayor Joe Crossin or Ms. Louise Fuller, City Secretary, Town Hall, P.O. Box 116, Gans, Oklahoma 74936.				
Oklahoma	Town of Howe, LeFlore County	Morris Creek	Intersection of Rock Street and North Railroad Street	*476
		Morris tributary	Just upstream of Second Street	*481
			Approximately 300 feet downstream of U.S. Highway 59 (corporate limits)	*487
Maps available for inspection at City Hall, Howe, Oklahoma 74940.				
Send comments to Mayor Faulkenberry, or Mrs. Betty Brown, Clerk Treasurer, City Hall, P.O. Box 22, Howe, Oklahoma 74940.				
Oklahoma	Town of Moffett, Sequoyah County	Arkansas River	Just upstream of U.S. Highway 64	*420
Maps available for inspection at City Hall, Moffett, Oklahoma 74946.				
Send comments to Mayor Betty Breedlove, City Hall, P.O. Box 41, Moffett, Oklahoma 74946.				
Oklahoma	Town of Piedmont, Canadian County	Soldier Creek	Just upstream of Edmond Road	*1,120
			Just upstream of Sixteenth Street	*1,152
		Soldier Creek south branch	Just upstream of Sixteenth Street	*1,150
		Deer Creek tributary 5	Just downstream of Piedmont Road	*1,171
			Just upstream of Washington Street	*1,180
		Deer Creek tributary 2	Just downstream of Washington Street	*1,199
			Just upstream of dam	*1,216
Maps available for inspection at Town Hall, Piedmont Road North, Piedmont, Oklahoma 73078.				
Send comments to Mayor Jim Martin or Mr. Rich Loggrew, Vice Chairman of the Board of Trustees, Town Hall, 415 Piedmont Road North, Piedmont, Oklahoma 73078.				

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Oregon	Tualatin (city), Washington County	Tualatin River	Interstate Highway 5 over the channel	*123
			Southern Pacific Railroad over the channel	*125
		Nyberg slough	Upstream side of southwest 85th Avenue over the channel	*122
			S.W. Tonka Road over the channel	*124
Maps available for inspection at City Hall, 18880 SW Martinazzi, Tualatin, Oregon. Send comments to the Honorable Roy Rogers, P.O. Box 369, Tualatin, Oregon 97062.				
Pennsylvania	Bryn Athyn, borough, Montgomery County	Pennypack Creek	Confluence of Southampton Creek	*177
		Southampton Creek	Upstream Corporate Limits	*185
			Upstream Corporate Limits	*177
Maps available for inspection at the residence of the Borough Secretary, Mrs. Willard Smith, Jr., Bryn Athyn, Pennsylvania. Send comments to Honorable Hyland R. Johns, Jr., Council President of Bryn Athyn, P.O. Box 336, Bryn Athyn, Pennsylvania 19009.				
Pennsylvania	Lower Burrell, city, Westmoreland County	Allegheny River	Confluence of Puckety Creek	*752
			Upstream Corporate Limits	*764
		Allegheny River back channel	Confluence with Allegheny River	*763
			Upstream Corporate Limits	*764
		Puckety Creek	Confluence with Allegheny River	*752
			Approximately 1,000' downstream Crystal Drive	*762
		Tributary 1 to Puckety Creek	Approximately 460' downstream confluence of Tributary 1	*772
			Downstream State Route 366	*782
		Tributary 1 to Puckety Creek	Upstream Corporate Limits	*794
			Confluence with Puckety Creek	*774
		Tributary 1 to Puckety Creek	Upstream first Private Drive	*798
			Approximately 170' upstream second Private Drive	*795
		Tributary 1 to Puckety Creek	Downstream third Private Drive	*814
			Upstream fifth Private Drive	*825
		Tributary 1 to Puckety Creek	Upstream Millers Lane (second crossing)	*835
			Approximately 575' upstream second crossing Millers Lane	*847
		Little Puckety Creek	Confluence with Puckety Creek	*752
			Corporate Limits (first crossing)	*753
		Little Puckety Creek	Corporate Limits second crossing at Falcons Park Road	*807
			Approximately 1,450' upstream Falcons Park Road	*817
		Little Puckety Creek	Approximately 2,780' upstream Falcons Park Road	*827
			Approximately 4,625' upstream Falcons Park Road	*837
		Little Puckety Creek	Approximately 980' downstream Wildlife Lodge Road	*847
			Upstream Wildlife Lodge Road	*857
		Little Puckety Creek	Upstream Milligantown Road	*874
			Approximately 1,330' downstream from upstream Corporate Limits	*897
		Chartiers Run	Upstream Corporate Limits	*906
			Confluence with Allegheny River	*758
		Chartiers Run	Downstream Sokol Camp pedestrian walkway	*774
			Upstream Chartiers Creek Road	*787
		Chartiers Run	Downstream Private Drive	*812
			Approximately 1,755 feet upstream Private Drive	*831
		Chartiers Run	Approximately 1,340' downstream Hulton Road	*861
			Approximately 500' upstream Hulton Road	*881
		Chartiers Run	Upstream Legislative Route 64245	*900
			Upstream State Route 56	*910
		Chartiers Run	Upstream Corporate Limits	*912
Maps available for inspection at the City Hall, Bethel and Schreiber Streets, Lower Burrell, Pennsylvania. Send comments to Honorable William Heavner, Jr., Mayor of Lower Burrell, City Hall, Bethel and Schreiber Streets, Lower Burrell, Pennsylvania 15066.				
South Carolina	City of Goose Creek, Berkeley County	Foster Creek	Just upstream of Pomplant Road (flooding affected by backwater of the stormtide from the Atlantic Ocean at this location)	*7
			Just downstream of Seaboard Coast	*9
		Unnamed tributary of Foster Creek	Just upstream of Jefferson Avenue	*13
			Just upstream of Lafayette Street	*16
		Lindley Branch	Just upstream of U.S. Highway 52	*25
Maps available for inspection at City Hall, 103 Farm Road, Goose Creek, South Carolina 29445. Send comments to Mayor Michael J. Heitzler or Mr. Dennis C. Harmon, City Administrator, City Hall, P.O. Box 236, Goose Creek, South Carolina 29445.				
Tennessee	City of Memphis, Shelby County	Mississippi River	Just upstream of Shelby County line corporate limits	*222
			Just upstream of Interstate Highway 40	*233
		Wolf River	Just upstream of Interstate Highway 225	*234
			Just upstream of confluence of Harrington Creek	*240
		Wolf River	Just upstream of Germantown Road	*262
			At the confluence of Wolf River lateral AA	*258
		Wolf River lateral A	Just upstream of Corsica Drive	*270
			Just upstream of Raleigh-LaGrange Road	*249
		Wolf River lateral "M"	Just upstream of Raleigh-Bartlett Road	*260
			Just upstream of Bartlett Road	*247
		Fletcher Creek	Just upstream of Raleigh-LaGrange Road	*260
			Just upstream of corporate limits	*262
		Harrington Creek	Just upstream of Covington Pike	*241

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Just upstream of Raleigh-LaGrange Road	*246
			Just upstream of Louisville and Nashville Railroad	*262
		Harrington Creek lateral B	Just upstream of Stage Road	*266
		Cypress Creek	Just upstream of Mitchell Road	*229
			Just upstream of Raines Road	*239
			Just upstream of Neely Road	*255
		Nonconnah Creek	Just upstream of Highway 61	*228
			Just upstream of confluence of Hurricane Creek	*248
			Just upstream of Ridgeway Road	*276
		Days Creek	Just upstream of Brooks Road	*242
			Just upstream of Raines Road	*250
		Hurricane Creek	Just upstream of Democrat Road	*249
			Just upstream of Christine Street	*266
		Tennile Creek	Just upstream of Knight Arnold Road	*261
			Just upstream of Winchester Road	*278
			Just upstream of Pilot Road	*309
			Just downstream of Getwell Road	*337
		Tennile Creek lateral A	Just upstream of Winchester Road	*265
		Johns Creek	Just upstream of Cottonwood Road	*269
			Just upstream of Winchester Road	*268
			Just downstream of Raines Road	*294
		Howard Road outfall	Just downstream of Quince Road	*283
			Just upstream of Messick Road	*298
			Just upstream of McVay Road	*308
		Loosahatchie River	Just downstream of Raleigh-Millington Road	*236
Maps available for inspection at City Hall, 125 North Main Street, Memphis, Tennessee 38103.				
Send comments to Mayor Wyeth Chandler or Mr. Henry Evan, Chief Administrator, City Hall, 125 North Main Street, Memphis, Tennessee 38103.				
Utah	Kaysville (City), Davis County	Holmes Creek	100 feet upstream from center of Union Pacific Railroad.	*4292
			Intersection of Holmes Creek and center of Thornfield Drive.	*4647
			Intersection of Holmes Creek and center of U.S. Highway 89.	*4787
			Intersection of Crestwood Road and U.S. Highway 89	#1
		Holmes Creek Tributary	Intersection of 200 North Avenue and 1st East Street	#2
			150 feet upstream from center of 1st East Street	*4369
		North Fork Holmes Creek	200 feet upstream from center of Interstate Highway 15.	*4311
		Baer Creek	80 feet downstream from center of State Highway 273	*4090
Maps available for inspection at City Administrators Office, 44 North Main Street, Kaysville, Utah.				
Send comments to the Honorable Gar Elson, 44 N. Main, Kaysville, Utah 84037.				
Vermont	Colchester, Town, Chittenden County	Winooski River	Confluence with Lake Champlain	*102
			City of Winooski Corporate Limits (1st crossing)	*113
			City of Winooski Corporate Limits (2nd crossing)	*167
			Upstream of Dam	*204
			Upstream Corporate Limits	*214
		Lamoille River	Confluence with Lake Champlain	*102
			Upstream Corporate Limits	*106
		Lake Champlain	Entire shoreline within community	*102
Maps available for inspection at the Colchester Municipal Office of Zoning and Administration, Blakely Road, Colchester, Vermont.				
Send all comments to the Honorable Francis Teginski, Town Manager of Colchester, Colchester Municipal Offices, P.O. Box 55, Blakely Road, Colchester, Vermont 05445.				
Vermont	Middlesex, Town, Washington County	Winooski River	Downstream Corporate Limits State Route 2	*431
			State Route 2	*447
			Approximately 250' downstream of Middlesex Dam	*463
			Upstream of Middlesex Dam	*501
			Confluence with Great Brook	*504
			Confluence with Sunny Brook	*513
			Upstream of Corporate Limits	*517
		Great Brook	Confluence with Winooski River	*504
			Approximately 600' upstream of Interstate Route 89	*515
			Approximately 2,200' upstream of Interstate Route 89	*580
			Point Lookout Road	*621
			Approximately 1,800' upstream of Point Lookout Road	*640
			Approximately 4,400' upstream of Point Lookout Road	*683
		Sunny Brook	Confluence with Winooski River	*513
			Upstream of Sunny Brook Road (Downstream crossing)	*521
			Upstream of Sunny Brook Road (Upstream crossing)	*551
			Approximately 1,200' upstream of Sunny Brook Road (Upstream crossing)	*578
Maps available for inspection at the Middlesex Town Clerk's Office, Municipal Offices, Middlesex, Vermont.				
Send all comments to the Honorable Dwight McCullough, Chairman of the Middlesex Board of Selectmen, Middlesex Town Offices, R.D. 3, Montpelier, Vermont 05602.				
Washington	Olympia (City), Thurston County	Outlet of Black Lake	Upstream side of Mottman Road Southwest over channel.	*122
			Intersection of channel and southernmost corporate limits.	*125
		Ken Lake	Intersection of Lakemore Drive and overflow outlet of Ken Lake.	*137
		Chambers Lake	Approximately 500 feet northwest of Chehalis Western Railroad and Herman Road intersection.	*196

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Capitol Lake	Intersection of Capitol Lake and Deschutes Parkway	*11
			Intersection of B Avenue and North Columbia Street	*11
		Budd Inlet	Western edge of East Bay Drive approximately 700 feet north of its intersection with San Francisco Avenue.	*11
		Setchfield Lake	Approximately 2100 feet east along Springwood Avenue (extended) from intersection with North Bethel Street.	*168
Maps available for inspection at City Hall, 8th and Plum, Olympia, Washington. Send comments to the Honorable Lyle T. Watson, P.O. Box 1967, Olympia, Washington 98507.				
Washington	Wilkeson (Town), Pierce County	Wilkeson Creek	75 feet upstream from intersection of Burlington Northern Railroad and Wilkeson Creek.	*796
Maps available for inspection at Town Hall, Wilkeson, Washington. Send comments to the Honorable Rosemarie Howard, Box 82, Wilkeson, Washington 98396.				
Wisconsin	(V) Elm Grove Waukesha County	Underwood Creek	Downstream corporate limits	*724
			Just upstream of first private bridge below confluence with Unnamed Tributary to Underwood Creek.	*730
			About 425 feet downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad southeast of Wall Street.	*731
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad southeast of Wall Street.	*736
			Just downstream of Wall Street	*737
			Just upstream of Shopping Center Exit Road.	*745
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad north of Waterlawn Plank Road.	*747
			Just downstream of Marcella Street	*750
			Upstream corporate limit	*752
Maps available for inspection at the Office of the Village Manager, Village Hall, 13600 Juneau Boulevard, Elm Grove, Wisconsin. Send comments to Honorable Thomas Godfrey, Village President, Village of Elm Grove, Village Hall, 13600 Juneau Boulevard, Elm Grove, Wisconsin 53122.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: May 7, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-15343 Filed 5-26-81; 8:46 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6067]

**National Flood Insurance Program;
Proposed Base Flood Elevation and
Zone Designation for the City of
Sumter, South Carolina**

AGENCY: Federal Insurance
Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevation and zone designation described below.

The proposed base flood elevation and zone designation will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the

**National Flood Insurance Program
(NFIP).**

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed base flood elevation and zone designation are available for review at the Mayor's Office, Sumter, South Carolina.

Send comments to: The Honorable W. A. McElveen, Jr., Mayor, City of Sumter, P.O. Box 1449, Sumter, South Carolina 29150.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevation and zone designation (100-year flood) for the City of Sumter, South Carolina in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 400-4128, and 44 CFR 67.4 (a).

The proposed base flood elevation and zone designation together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies

established by other Federal, State or regional entities. The proposed flood elevation and zone designation will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevation and zone designation for selected locations are:

Source of flooding	Location	Elevation (feet) (NGVD)
Hestleywood Canal	Those land areas upstream of a point 50 feet downstream of Alice Drive.	174

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator).

Issued: May 12, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15673 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6066]

National Flood Insurance Program; Proposed Base Flood Elevations, Zone Designations, and Zone Boundaries for the Town of Falkville, Alabama

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations, zone designations and zone boundaries described below.

The proposed base flood elevations, zone designations and zone boundaries will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed base flood elevations, zone designations and zone boundaries are available for

review at the Mayor's Office, Falkville, Alabama.

Send comments to: The Honorable Homer H. Landrum, Mayor, Town of Falkville, Route 3, P.O. Box 70, Hartselle, Alabama 35640.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevations, zone designations and zone boundaries (100-year flood) for the Town of Falkville, Alabama in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The proposed base flood elevations, zone designations and zone boundaries together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed base flood elevations, zone designations and zone boundaries will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation (feet)(NGVD)
Painter Branch	Fifth Avenue	590
Robinson Creek	Westernmost corporate limit.	594
Robinson Creek	First Avenue	601
Robinson Creek	Louisville and Nashville Railroad.	602
Cedar Creek	Northwesternmost corporate limit.	590
Cedar Creek	Louisville and Nashville Railroad.	591

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR

17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 12, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15674 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6065]

National Flood Insurance Program; Proposed Base Flood Elevations, Zone Designations and Delineations for the Town of Mount Pleasant, New York

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations, zone designations and delineations described below.

The proposed flood elevations, zone designations and delineations will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed base flood elevations, zone designations and delineations are available for review at the Town Supervisor's Office, Town of Mount Pleasant, New York. Send comments to: Mr. Michael L. Rovello, Town Supervisor, Town of Mount Pleasant, One Town Hall Plaza, Valhalla, New York 10595.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevations, zone designations and delineations for the Town of Mount Pleasant, New York in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234),

87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The proposed base flood elevations, zone designations and delineations together with the floodplain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in

their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed base flood elevations, zone designations and delineations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations and zone designations for selected locations are:

Source of flooding	Location	Elevation (feet)	Zone
Pocantico River	Pocantico Lake to southern corporate limits of Briarcliff Manor	230-235 NGVD	A5
Pocantico River	Northern corporate limit of Briarcliff Manor to the limit of detailed study.	240-273	A5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 12, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15675 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6064]

National Flood Insurance Program; Proposed Base Flood Elevations for the Town of Waitsfield, Vermont

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations described below.

The proposed base flood elevations will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the

floodprone areas and the proposed base flood elevations are available for review at the Selectmen's Office, Town Hall, Waitsfield, Vermont.

Send comments to: Mr. Everett Larrow, Chairman Board of Selectmen, Post Office Box 134-A, Waitsfield, Vermont 05673.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-8570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevations (100-year flood) for the Town of Waitsfield, Vermont in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The base flood elevations together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed base flood elevations will also

be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation (feet) NGVD
Mill Brook	Fayston/Waitsfield corporate limits downstream 210 feet.	754-756

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 12, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15676 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 80-632]

Overseas Communications Services; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking; Extension of Comment and reply comment period.

SUMMARY: This document grants request of international record carrier for extension of comments and reply dates in CC Docket No. 80-632 on overseas communications services. The extensions are granted to permit parties to complete and submit detailed studies regarding proposed rulemaking. The intended effect of this action is to provide Commission with most complete and meaningful record possible.

DATES: Comments now due on June 5, 1981. Replies due on July 6, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Stuart Chiron, Common Carrier Bureau, (202) 632-7265.

In the matter of Overseas Communications Services; (45 FR 76498; 11-19-80).

Adopted: May 15, 1981.
Released: May 18, 1981.

By the Common Carrier Bureau:

1. In this proceeding, the Commission is considering whether or not to change its 1964 TAT-4 policy decision, 37 FCC 1151, which created an overseas voice-record dichotomy. As a result of TAT-4, AT&T has not been able to offer overseas record services (other than Dataphone), and the IRCs have not been able to provide overseas voice services (other than Datel). The instituting order, FCC 80-585 (released October 28, 1980), established December 12, 1980, as the date for filing comments and January 16, 1981, as the date for replies. These dates have been subsequently extended twice. Comments are presently due on May 22 and replies on June 19.

2. On May 11, 1981, Western Union International, Inc. (WUI) filed a motion to extend the time for comments and replies for two additional weeks. WUI indicates in its motion that this request is fully supported by counsel for the other IRCs and that counsel for AT&T has no objection.

3. In support of its request WUI states that a thorough study being performed by an economic consultant, which will be submitted to the Commission, is not as yet available. WUI also states that an NTIA study on international communications, previously scheduled for an April release, will not be available before June.

4. We believe that the record will be more complete and meaningful with the inclusion of the IRC and NTIA studies. Since a delay will not harm any cognizable public interest we will grant WUI's request. Accordingly, it is ordered that the date for all interested persons to file comments in CC Docket No. 80-632 is extended from May 22 to June 5, 1981, and that the date for filing replies is extended from June 19 to July 6, 1981.

5. This order is issued under § 0.291 of the Commission's Rules on Delegations of Authority, and is subject to review under § 1.115 of the Rules of Practice and Procedure.

Federal Communications Commission.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-15652 Filed 5-26-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Ch. I

Public Notice Regarding Petition for Policy Ruling

AGENCY: Federal Communications Commission.

ACTION: Public Notice Regarding Petition for Policy Ruling.

SUMMARY: The Commission has instituted a pleading cycle for a petition for policy ruling filed by Computer and Business Equipment Manufacturers Association (CBEMA). The petition seeks clarification of the regulatory status of any AT&T offering of new customer-premises equipment (CPE) filed under federal tariff during the transition from regulation to deregulation as set forth in the Second Computer Inquiry, 84 FCC 2d 384, *on reconsideration*, 84 FCC 2d 50 (1980). This period runs from July 18, 1981, the effective date of the Final Decision, to March 1, 1982, when new CPE offered by AT&T must be detariffed and provided only through a fully separate subsidiary.

DATES: Comments on the CBEMA petition for policy ruling must be filed on or before June 26, 1981; reply comments must be filed on or before July 17, 1981.

ADDRESS: Comments should be submitted to The Secretary, Federal Communications Commission, Washington, DC 20554. Interested parties may review the petition in Room 532 at 1919 M Street, NW, Washington, DC on weekdays between 9:00 AM and 5:00 PM.

FOR FURTHER INFORMATION CONTACT: Kathleen B. Levitz, Common Carrier Bureau, Federal Communications Commission, Washington, DC, Telephone No. (202) 653-8187.

SUPPLEMENTARY INFORMATION: May 15, 1981.

Commission Establishes Pleading Cycle on CBEMA Petition for Policy Ruling Concern AT&T Offering of New CPE under Federal Tariff Filed After Second Computer Inquiry Final Decision

In a Petition for Policy Ruling filed April 24, 1981, the Computer and Business Equipment Manufacturers Association (CBEMA) has requested that the Commission clarify the regulatory status of any offering of new CPE by the American Telephone and Telegraph Company (AT&T) under a federal tariff filed after July 18, 1980, the effective date of the Final Decision in the Second Computer Inquiry. In the Second Computer Inquiry, 77 FCC 2d 384, *on reconsideration*, 84 FCC 2d 50 (1980), the Commission had ordered that after March 1, 1982, AT&T offer new CPE only on a detariffed basis and through a separate subsidiary.

In the context of a tariff proceeding relating to AT&T's offering of Comm-Stor-II Communications Service, CBEMA urges the Commission to

require that during the transition period preceding the establishment of the AT&T separate subsidiary, all AT&T offerings of new CPE under federal tariff filed after July 18, 1980, be fully unbundled upon the initial filing of the tariff. CBEMA also requests the Commission to order that all costs, direct and indirect, of such CPE offerings be separately treated on AT&T's books of accounts.

The Commission will adopt the following pleading cycle for the CBEMA petition. Interested parties may file comments on the petition on or before June 26, 1981. Replies may be submitted on or before July 17, 1981. Interested parties may review the petition in Room 532 at 1919 M Street, NW, on weekdays between 9:00 a.m. and 5:00 p.m.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 81-15742 Filed 5-26-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1102 and 1300

[Ex Parte No. 409]

Rail Carrier Informational State Tariff Filings

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Congress has adopted legislation depriving States of intrastate jurisdiction over rail carrier general and inflation-based rate increases and fuel adjustment surcharges. The Commission has initiated this proceeding to consider a petition filed by the National Association of Regulatory Utility Commissioners (NARUC) requesting rules that would require rail carriers to provide States with informational tariff filings reflecting these rate changes. If, following review of the comments, the Commission believes that this action is necessary, adoption of rules along the lines proposed by NARUC will be considered.

DATES: Written comments should be filed within 30 days of Federal Register publication of this notice.

ADDRESSES: An original and 15 copies of comments should be sent to Room: 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: Section 214(b) of the Staggers Rail Act of 1980 (SRA) (49 U.S.C. 11501(b)(6)) bars a State authority from exercising any intrastate jurisdiction over general rate increases under 49 U.S.C. 10706, inflation-based rate increases under 49 U.S.C. 10712, or fuel adjustment surcharges.¹ A duly certificated State authority may, however, exercise jurisdiction over other intrastate transportation provided by an ICC regulated rail carrier if the State authority exercises such jurisdiction exclusively in accordance with specified provisions of section 214 of the SRA (49 U.S.C. 11501(b)). In accordance with these provisions, State authorities have requested intrastate ratemaking certification from the Commission. See Ex Parte No. 388, *State Intrastate Rail Rate Authority*—Pub. L. 96-448, served April 22, 1981, 46 FR 23335, April 24, 1981.

In its petition, NARUC states that, because State authorities no longer retain jurisdiction over general and inflation-based rate increases and fuel adjusted surcharges, a number of carriers are no longer filing tariffs notifying the States of these changes. Due to this lack of notification, the States do not have first hand knowledge of the effective rates for railroad transportation within their jurisdictions. Consequently, State authorities, which still retain jurisdiction over other intrastate rates, are unable to disseminate current or accurate rate information to the shipping public. NARUC has proposed specific rules to correct this situation.

We are not now convinced of the need for these rules. A State's interest in these rate changes is limited to their effect on other rates over which it continues to have jurisdiction. The States appear to have adequate authority to require rail carriers to submit all information (including current rate levels reflecting changes not subject to the States' jurisdiction) necessary to exercise State jurisdiction properly. For example, if an Ex Parte No. 290 (Sub-No. 2) increase is not yet reflected in individual rate tariffs, that fact will be noted in those tariffs. To the extent a State may review an individual rate, it would seem it has authority of its own

to require that updated rates be presented.

We seek comments on this analysis. We especially request comments from the railroads concerning these alternatives to the rules proposed as well as any others.

If, following review of the comments, we are convinced that there is a need for us to issue rules, we propose to adopt the rules contained in the appendix to this notice. Therefore, comments should discuss the suitability of the proposed rules as well as the need for any rule.

This action does not appear to affect significantly either the quality of the human environment or conservation of energy resources, nor would the rules, if adopted, affect significantly a substantial number of small entities. We invite comment on these issues and will transmit a copy of this notice to the Chief Counsel for Advocacy, Small Business Administration.

(49 U.S.C. 11501, 10321, 5 U.S.C. 553)

Decided: May 19, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Gresham did not participate due to his membership on the Executive Committee of the National Association of Regulatory Commissioners.

James H. Bayne,
Acting Secretary.

Appendix¹

§ 1102.1 [Amended]

49 CFR 1102.1 is proposed to be amended by adding paragraph (f) as follows:²

* * * * *

§ 1102.1 Application.

* * * * *

(f) *Tariff filing with State Agency.* In accordance with the procedures outlined in 49 CFR 1300.13(f), each carrier shall file (either directly or through a duly authorized tariff-publishing agent) with the regulatory authority of each State in which it operates, all tariffs filed with the Commission in accordance with these procedures.

It is proposed that 49 CFR 1300.13, Filing Tariffs, be amended by adding paragraph (f) to read as follows:

§ 1300.13 Filing Tariffs.

* * * * *

¹ Minor technical changes to NARUC's proposal have been made. They do not affect its substance.

² NARUC's proposed rules reflect 1102.1 prior to its revision in Ex Parte No. 290 (Sub-No. 2), *supra*.

(f) *Filing with State agencies.* A rail carrier shall file (either directly or through a duly authorized tariff-publishing agent) with the regulatory authority of each State in which the carrier operates all tariffs filed with the Commission containing general rate increases or decreases under section 1076 of Title 49 U.S.C., and inflation-based rate increases under section 10712 of Title 49 U.S.C., provided, that such filings need only encompass those tariff parts containing rates between points in that State, and rates for traffic originating and terminating within that State. A rail carrier shall be relieved of this filing requirement by obtaining a certified letter from the state regulatory authority stating that such tariff filing is not required; provided however, that the State regulatory authority, upon thirty days written notice to the carrier, may rescind a letter previously issued to the carrier.

(49 U.S.C. 11501, 10321, 5 U.S.C. 553)

[FR Doc. 81-15748 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Parts 1201 and 1241

[No. 37203]

Cost Center Accounting and Reporting System for Class I Railroads; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Termination of proposed rulemaking; Correction.

SUMMARY: This document corrects a termination of proposed rulemaking that appeared at 46 FR 26515 (May 13, 1981). The proposed rulemaking would have considered adoption of a cost center accounting and reporting system for Class I railroads. This action is necessary to correct an inadvertent error in the byline.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr. (202) 275-7448.

SUPPLEMENTARY INFORMATION: The byline in the document appearing at 46 FR 26515 (May 13, 1981) should read as follows:

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

James H. Bayne,
Acting Secretary.

[FR Doc. 81-15689 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

¹ Fuel costs have been included in the cost index adopted in Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures*, served April 20, 1981 (46 FR 22594, April 20, 1981). Separate fuel surcharges are no longer permitted, and need not be considered separately.

Notices

Federal Register

Vol. 46, No. 101

Wednesday, May 27, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Social Analysis; Proposed Policy

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed policy.

SUMMARY: This document is proposed for inclusion as a section of Chapter FMS 1970, Economic and Social Analysis, in the Forest Service Manual (FMS). It provides policy and principles for social analysis of programs, resource plans, and projects within the Forest Service. Its purpose is to provide for a level of consistency in analyses and assessment carried out by individual Forest Service management units.

DATE: Comments must be received on or before July 27, 1981.

ADDRESSES: Comments may be mailed to R. Max Peterson, Chief (1960 or PA), Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert M. Randall, Policy Analysis, Forest Service, P.O. Box 2417, Washington, D.C. 20013, 202-447-5425.

SUPPLEMENTARY INFORMATION: FSM 1973 was written by Forest Service Sociologists and has received extensive review from all management levels as well as functional areas. FSM 1973 is part of Chapter 1970 which includes policy guidelines for economic efficiency analysis and economic impact assessments. The other sections of 1970 were published in the Federal Register on April 17, 1981, page 22404, for a 60-day public review period. Public comments on this proposed addition to the Forest Service Manual are being solicited to the end of the review period on July 27, 1981.

Dated: May 19, 1981.

J. Lamar Beasley,

Deputy Chief, Programs and Legislation.

Contents: 1973—Social Analysis

- 1973.1 Preliminary investigation.
- 1973.2 Determination of assessment areas.
- 1973.3 Selection of assessment sub-areas.
- 1973.4 Selection of variables.
- 1973.5 Standards of variable selection and measurement.
- 1973.6 Establishment of baseline.
- 1973.61 Available statistical data.
- 1973.61b Written social data.
- 1973.61c Observation data.
- 1973.61d Respondent-contact date.
- 1973.61e Public participation data.
- 1973.61f Forest Service personnel.
- 1973.62 Social overview.
- 1973.7 Estimation of effects.
- 1973.8 Comparison and display of alternatives.

1973—Social Analysis

Social analysis in the Forest Service is the determination of how Forest Service policies and actions affect the quality of people's lives or social well-being. The primary goal is to help managers take into account important social concerns in making decisions. Social analysis is accomplished by comparing current social conditions in an area influenced by Forest Service actions with conditions likely to occur as a result of implementing management alternatives. It is to be distinguished from the public participation process. Social analysis is the systematic attempt to predict what will happen to people in a specified locale (assessment area) given various management alternatives. Public involvement is designed to discover people's preferences, concerns, and expectations and to inform them about management and ecological constraints and possibilities.

Social analysis includes:

1. Preliminary investigation, decisions on assessment areas, and selection of assessment variables.
2. Describing and analyzing present social conditions, including their historical context and the projection of a social conditions baseline.
3. Estimating changes in social conditions resulting from alternative Forest Service actions.
4. Comparing the social effects of the alternatives.

There are at least three levels of analysis: local, regional, and national. Selection of variables, assessment areas, and methods should vary with the

nature and scope of the Forest Service activity. Refer to FSM 1970.6 regarding scope of analysis. Guidelines are provided by the Forest Service Social Analysis Handbook (forthcoming) concerning the implications of different analysis levels.

Responsible officials should insure that competent individuals are assigned to develop social assessment procedures, specify assessment areas, collect, and analyze social data, interpret findings, write and summarize documents, and participate as a member of interdisciplinary teams, as appropriate. If employment of a social scientist on the team is not warranted or possible, then a member who is capable of overseeing the social analysis should be designated as the social science coordinator.

1973.1—Preliminary Investigation

The purpose of this task is to delineate and become familiar with the assessment area(s), in order to facilitate selection of the social variables to be used in the analysis and determine the types of data needed and available. This investigation should include contacts with people in the study area, including local community leaders (e.g., ministers, teachers) and government officials, about community issues and trends and data sources. A small sample of the data (such as county land-use plans and population figures) should be examined to verify preliminary impressions. Public involvement may be used to provide preliminary information about community issues and trends.

1973.2—Determination of Assessment Areas

Assessment areas should include geographical areas where most of the social effects of a proposed action are expected to occur. The areas may be established by determining which political jurisdiction or cultural geographical units are likely to be significantly affected by Forest Service decisions. Several areas of influence may have to be considered when programs contain a variety of resources. For example, a forest might influence a three-county area based on timber production and water use and a six-county area based on the residence of recreationists. Identification of study areas should not be based solely on products or use patterns, as significant

effects of Forest Service operations may occur in other ways. For example, counties that contain national forest land may be affected by changes in National Forest System receipts or limitations on the amount of land that can be developed. Assessment areas delineated for social and economic assessment should be the same for a given planning action, unless substantiated and documented reasons can be presented to suggest differences (FSM 1970.72).

1973.3—Selection of Assessment Sub-Areas

Forest Service activities will affect people in the assessment area differently, depending on such variables as people's geographical location, dependence on national forests, and socioeconomic position. Geographical units within the assessment area which reflect potentially significant cultural differences should be identified in the analysis.

Differences in people's response to Forest Service actions may be used as a basis for selecting assessment sub-areas, but such determination is usually difficult in the absence of extensive prior examination. Cultural differences are more easily distinguishable and generally correlate highly with responses to Forest Service policy.

Sub-areas should vary with the level of analysis. For project-level activity, the geographical assessment unit should generally be localized (one or several communities or other cultural/geographical units). For forest-level planning, the geographical assessment units should be subdivisions of the forest and surrounding area (counties, ranger districts, and larger cultural/geographical units). For regional-level planning, the geographical assessment units should be larger regional subdivisions (states, sub-regions).

Units shall not be classified exclusively on the basis of interest or preference groups. Such groups may be transitory and may not necessarily be indicative of what will happen in an area (as opposed to what people want). They also may not be representative of the entire community.

1973.4—Selection of Variables

Appropriate variables should be selected from each of the following categories:

1. *Lifestyles*, the characteristic ways different segments of a population live. Lifestyle variables include work (employment) and leisure activities and relationships with family, friends, and others. Effects of Forest Service activities on lifestyles will depend on

the nature of people's relationship with a national forest or agency practice.

2. *Attitudes, Beliefs, Values*, reflected in people's likes, dislikes, perceptions, hopes, aspirations, and fears. Changes in Forest Service policy may result in practices which significantly affect people's feelings about and understanding of the forest.

A major component of people's perceptions is their sense of freedom and self-sufficiency. Among the effects which should be evaluated are changes in perceived control by outside interests (government, industries, and other interest groups), perceived capability of local governments to meet local needs, and people's sense of whether they can meet their subsistence needs (food, fuel, and shelter) by their own direct knowledge and efforts.

Another component of people's perceptions is their feeling of certainty or uncertainty about the future. These feelings may be related to the rate of change likely to occur in an area as a result of Forest Service management and the predictability of the consequences of the change.

3. *Social organization*. Social organization is the way society and its subunits are structured. Major components to be considered for analysis are: institutions, community cohesion, and community stability.

Social institutions are the systems of customary practices people have developed in a community or society to survive and prosper. Social institutions include the family, the economy, work, leisure/recreation, government and politics, education, and religion.

Community cohesion is the degree of unity and cooperation exhibited by various segments of a community toward realizing certain shared goals or their approach to certain problems.

Community stability is the rate of change with which people can cope without exceeding their capacity to deal with it. The rate of social change and the institutional structure of a community are key variables in the analysis of the effects of Forest Service actions.

Social stability and economic stability are not necessarily the same, but both relate to community stability. Economic stability might be retained through full employment, but if there is a rapid change in the composition of the employment (e.g., jobs taken by newcomers to the community with different cultural backgrounds) social instability might result. Yet stability is not stagnation. Stable communities are usually going through relatively gradual and constant change to adapt to new conditions.

4. *Population variables*. These include the number, distribution, density, and characteristics of people.

Specific pieces of legislation will serve to direct attention to certain variables, such as those concerning civil rights and minorities, historic preservation, and archeological resources.

1973.5—Standards of Variable Selection and Measurement

Variable selection and measurement should be guided by the following criteria:

1. *Relevancy*. Does the variable actually relate, and to what extent, to Forest Service practices?

2. *Significance*. How important is the variable affected by Forest Service practices in terms of the impact on people? Relevancy and significance are the most important criteria and are overriding factors in the variable selection process.

3. *Sensitivity*. To what extent is the measure of the variable affected by Forest Service practices? The measure should clearly register changes resulting from different management alternatives.

4. *Availability*. How available are the data with which to measure the variable?

5. *Accuracy*. How reliable and valid is the measure, does the measure yield consistent results, and does it truly represent the variable?

6. *Efficiency*. To what extent do the variable and its measure eliminate the need for other measures?

Variable measures and indices are provided in the Social Analysis Handbook (forthcoming).

1973.6—Establishment of Baseline

Analysis of the social effects of an alternative continuing current policies and practices will serve as the baseline for estimating the effects of other management alternatives. The procedure is to describe the area's social characteristics and its historical context and project trends into the future based on the continuation of present management policy.

The description of the baseline will be in terms of major variables judged to reflect accurately the area's social life, including variables to be used in the estimation of effects.

1973.61—Data Sources

Derive the description of the baseline from among the following data sources:

1973.61a—Available Statistical Data

Including census reports and other data compiled by various governmental

agencies, such as that found in county courthouses and chambers of commerce.

1973.61b—Written Social Data

Including letters to editors, newspaper articles, written testimonies, histories, graduate theses pertaining to the local area, annual reports, and research studies.

1973.61c—Observation Data

From talking with people in the assessment area and systematically observing variables selected on the basis of the preliminary investigation.

1973.61d—Respondent-Contact Data

From survey methods where interviews or mailed questionnaires are systematically administered. This method is contingent on OMB approval (see FSM 1374.1) and cannot be used without strong justification. Preliminary investigation must precede the survey to validate the selection of questions and the variables the questions represent.

1973.61e—Public Participation Data

Data gathered during the public involvement process. Data may be in any of the above forms.

1973.61f—Forest Service Personnel

Including District Rangers and their staffs, research project leaders, and State and Private Forestry field representatives—as a source for descriptive data for communities within their districts.

1973.62—Social Overview

A social overview should be developed during the inventory phase for decisions having potential for significant social effects. This document is a source of information for the analysis of the management situation. The overview contains an interpretation of data on social issues and trends. It will serve as an information source for the decision process.

The overview should include:

1. A description of historic trends and current conditions and projections of future conditions under unchanged Forest Service management (baseline).
2. Maps depicting areas of influence (and county land-use zones) and a narrative description of the principal economic, social, and cultural ties between the Forest Service area or activity and the people who use and enjoy it. The uniqueness of these ties and the implications of preserving, enhancing, or weakening them should also be discussed.
3. Full documentation, citing data sources, and discussing assumptions underlying analyses and projections.

4. Definitions or interpretations of key variables.

5. Discussion of data reliability, inconsistency, or gaps which might affect the estimation of effects.

The social overview will be based primarily on existing data, except in unusual cases of gaps in essential information (40 CFR 1502.22). Since data are sometimes inconsistent from year to year and place to place, comparability problems exist with data from different jurisdictions and years. Projections vary according to method and entity creating the data. Accordingly:

1. Show the range of estimates and data and document the sources; or
2. Select the estimates, or data, judged as most realistic or accurate, and cite the other estimates.

1973.7—Estimation of Effects

In this step estimates should be made of changes in selected social variables resulting from Forest Service actions. A variety of techniques and perspectives is available. No technique should be singled out as preferred, since selection will depend on the training and background of those doing the assessment, availability of data, resources, and the analysis situation. Refer to Social Analysis Handbook (forthcoming) for guidance.

Among the methods available are:

1. *Trend extension*—projection of a trend into the future.
2. *Population multiplier approaches*—the application of a coefficient associating changes in population size with the amount of change in another variable.
3. *Polling local authorities and citizen estimates*—consultation with local authorities (including District Rangers) who are in positions to make judgments about social effects of Forest Service actions.
4. *Institutional analysis*—an analysis of the institutional structure of an area, including the number, composition, and diversity of ways for the delivery of human services.

5. *Quantitative approaches*—procedures whereby key social variables are quantitatively defined and mathematical formulas used to calculate social effects and yield numerical scores.

6. *Comparison communities*—comparison with communities already affected by actions similar to those being considered.

7. *Observation*—talking with people and systematically observing selected variables.

Regardless of the methods used, the relevant social impact assessment literature should be used as a guide and supplement. Forest Service social

scientists (e.g., cultural resource specialists and historians) who have researched and written on the subject should be consulted. For complex situations, sociologists and others outside of the Forest Service who are authorities on the subject may be consulted. Information from other agencies (BLM, Corps of Engineers, etc.) directly related to Forest Service concerns may be available, since they have also been developing methods and data bases.

1973.8—Comparison and Display of Alternatives

This process is heavily dependent on the evaluation criteria. The step consists of a narrative description of various alternatives supplemented by quantitative information (e.g., number of jobs in wood products industry, percentage increase in school age populations, and percent of economy based on transfer payments).

A numerical rating system—such as a quantified, ranked summary of social impacts—should not be the sole means used to compare management alternatives, because some important social impacts (for example, neighborhood stability) lose their meaning when translated into a simple five or ten-point rating system. Adding the combined impact of different social variables cannot be undertaken without establishing that the variables are comparable in their significance and what they represent. Any score derived from a rating system must be accompanied by a narrative interpretation of the meaning.

The social scientist or social science coordinator should develop a matrix of the effects of Forest Service alternatives on the social variables selected for study. The matrix should consist of an overview of the projected effects of Forest Service actions for each alternative and should be accompanied by a more detailed narrative summary.

[FR Doc. 81-15743 Filed 5-26-81; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Dockets 33363, 39237, and 39238]

Former Large Irregular Air Service Investigation, Applications of International Air Cargo, Inc.; Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on May 26, 1981 (46 FR 27150, May 18, 1981) is postponed until June 3, 1981 at 9:30 a.m. (local time) in Room 1003, Hearing Room "B", 1875

Connecticut Avenue, N.W., Universal North Building, Washington, D.C.

Dated at Washington, D.C., May 21, 1981.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 81-15706 Filed 5-26-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-107]

Fitness Determination of Atlantic Southeast Airlines, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-5-107, Order to Show Cause.

SUMMARY: The Board is proposing to find that Atlantic Southeast Airlines, Inc., is fit, willing and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it has the ability to provide reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determinations shall serve their responses on all persons listed below no later than June 11, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Essential Air Services Divisions, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of the Order.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Boyd, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5348.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-5-107 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-5-107 to Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board; May 20, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-15707 Filed 5-26-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-109]

Fitness Determination of Mid Pacific Airlines, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-5-109, Order to Show Cause.

SUMMARY: The Board is proposing to find that Mid Pacific Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 4, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-5-109.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-5-109 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-5-109 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board; May 20, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-15709 Filed 5-26-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-108]

Fitness Determination of Ransome Air, Inc., d.b.a. Ransome Airlines; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-5-108, Order to Show Cause.

SUMMARY: The Board is proposing to find that Ransome Air, Inc., d.b.a.

Ransome Airlines is fit, willing and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it has the ability to provide reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 11, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of the Order.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Boyd, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5348.
SUPPLEMENTARY INFORMATION: The complete text of Order 81-5-108 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-5-108 to Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board; May 20, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-15710 Filed 5-26-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

District of Columbia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the District of Columbia Advisory Committee to the Commission will convene at 2:30 pm, and will end at 5:30 pm, on June 16, 1981, at the Potomac Institute, Conference Room, 1501 18th Street, N.W., Washington, D.C., 20036. The purpose of this meeting is to release the Committee's report of its 1980 public forum on police/community relations in the District of Columbia; to consider the Commission's report of its Consultations

on Civil Rights Issues of Handicapped Americans; and to conduct preliminary factgathering on employment discrimination in the construction trades.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Rev. Ernest R. Gibson, 1239 Vermont Avenue, N.W., Room 102, Washington, D.C., 20005, (202) 332-2080, or the Mid-Atlantic Regional Office, 2120 L Street, N.W., Washington, D.C., 20037, (202) 254-6670.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 22, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-15043 Filed 5-26-81; 8:45 am]

BILLING CODE 6335-01-M

Florida Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Florida Advisory Committee to the Commission will convene at 10:30 a.m., on June 10, 1981, at the Tampa Airport Hotel, Tampa, Florida. The purpose of this meeting is to report on Escambia-Followup; planning strategies for the Miami Hearing Followup; review recommendations discussed with State Governor and other Escambia/Pens. officials.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Ted Nichols, University of Miami, Coral Gables, Florida, (305) 251-6180- (305) 284-3064, or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303, (404) 242-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 20, 1981.

John Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-15644 Filed 5-26-81; 8:45 am]

BILLING CODE 6335-01-M

New Jersey Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission

will convene at 6:30 p.m., on June 18, 1981, at the Ramada Inn, New Brunswick, New Jersey. The purpose of this meeting is to discuss program planning.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Clyde C. Allen, 39 Ferry Street, 3rd Floor, Newark, New Jersey, 07115, (609) 989-8888 or the Eastern Regional Office, 26 Federal Office Building, Room 1639, New York, New York, (212) 264-0543.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 20, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-15045 Filed 5-26-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Iron Metal Castings From India; Antidumping: Preliminary Determination of Sales at Not Less Than Fair Value

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Determination of Sales at Not Less Than Fair Value.

SUMMARY: Based on an investigation of the sales of seven Indian producers, we have preliminarily determined that certain iron metal castings from India are not being sold in the United States at less than fair value. The seven producers investigated account for an estimated 80 percent of the exports of this merchandise to the United States.

Interested parties are invited to submit oral or written views concerning this preliminary determination. Unless we extend this investigation, we will make our final determination within 75 days of publication of this notice.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Steven S. Lim or Richard Rimlinger, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230 (202-377-1776 or 377-4136).

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based on our investigation and in accordance with section 733(b) of the Tariff Act of 1930, as amended ("the Act"), we have preliminarily determined

that there is no reasonable basis to believe that certain iron metal castings from India are being sold in the United States at less than fair value within the meaning of section 731 of the Act. Of the seven companies we investigated, only one—Serampore Industries Pvt., Ltd.—had dumping margins on any sales. However, after taking into account currency fluctuations, Serampore's weighted-average dumping margin was only 0.4 percent, which for the purposes of this investigation is considered to be *de minimis*.

We are publishing this notice in accordance with Section 353.39 of the Commerce Regulations (19 CFR 353.39). Unless we extend this investigation, we will make our final determination within 75 days of publication of this notice.

Case History

On November 19, 1980, we received a petition in proper form from the Pinkerton Foundry of Lodi, California and a coalition of foundries composed of LeBaron Foundry of Brockton, Massachusetts; Vulcan Foundry of Denham Springs, Louisiana; Neenah Foundry of Neenah, Wisconsin; U.S. Foundry and Mfg. Corp. of Miami, Florida; Deeter Foundry of Lincoln, Nebraska; Richard Foundry of Norfolk, Virginia; Alhambra Foundry of Alhambra, California; Flockhart Foundry of Newark, New Jersey; Jordan Iron Works of East Jordan, Michigan; Campbell Foundry of Harrison, New Jersey; Waterbury Foundry of Waterbury, Connecticut; Municipal Castings of Madison, Wisconsin; and Allegheny Foundry of Pittsburgh, Pennsylvania. The petition alleged that certain iron metal castings are being sold in the United States at less than fair value.

After conducting a summary review of the allegations in the petition, as section 732 of the Act requires, we decided that a formal investigation was warranted. Therefore, we notified the U.S. International Trade Commission ("the ITC") of our decision, and on December 12, 1980, we initiated an antidumping investigation (45 FR 81802).

On January 5, 1981, the ITC found that there is a reasonable indication that these imports are materially injuring, or threatening to materially injure, a U.S. industry. The ITC's determination was published on January 14, 1981 (46 FR 3302).

Finally, in response to the petitioner's request on April 10, 1981, we extended the deadline for our preliminary determination from April 28, to May 20, 1981 (46 FR 21403).

Scope of the Investigation

The types of castings covered by this investigation are manhole covers and frames, clean-out covers and frames, and catch-basin grates and frames. Used primarily for draining and access to the water and sanitary systems of public utilities, these castings are currently classified under item 657.09 of the Tariff Schedules of the United States. They are heavy-duty, thick-walled castings that fall within a broader product grouping commonly referred to as "public works castings."

This product was also recently the subject of a countervailing duty investigation. We determined that the Indian Government was subsidizing its manufacturers, producers and exporters of this merchandise and, on October 16, 1980, we published a countervailing duty order.

We investigated the following Indian producers of castings, all located in the Calcutta vicinity: RSI India Pvt., Ltd.; Gupta Iron and Steel Co.; Govind Steel Co., Ltd.; Basant Udyog; Kejriwal Iron and Steel Works; Serampore Industries Pvt., Ltd.; and Uma Iron and Steel Co. Although we did not initially select Uma for the investigation, we included the company because it voluntarily submitted a response to our antidumping questionnaire. We estimate that the manufacturers investigated account for approximately 80 percent of the United States imports of the castings under investigation from India and therefore form an adequate basis of investigation as set out in section 353.38 of the Commerce Regulations.

This investigation covers sales made between April 1, 1980, and December 31, 1980. We chose a nine-month sales period rather than the normal six-month period because the exporters' sales activity between June 1, 1980, and November 31, 1980, was unusually depressed, resulting in too few sales for an adequate investigation.

Methodology

In this preliminary determination, we have made all fair value comparisons, with one exception, by comparing U.S. price based on purchase price with foreign market value based on the constructed value of the imported merchandise. In the case of Govind, we compared U.S. price based on purchase price with the foreign market value based on sales to Canada.

U.S. Price

For all seven producers we used purchase price, as defined in section 772(b) of the Act, as the U.S. price. We did so because the price of the castings

to unrelated United States customers was agreed to before they were imported into the United States.

For six of the seven producers, we calculated purchase price on the basis of the FOB or C&F price to unrelated U.S. importers. In the case of Gupta, we calculated the purchase price on the basis of the ex-factory price to Kajaria Exports, an unrelated exporter through whom Gupta made all of its U.S. sales of the products under investigation. This price was used because the merchandise was sold for export to the United States prior to the date of importation and Gupta knew at the time of sale to Kajaria that the goods were sold to the United States. Where appropriate we deducted from the purchase price shipping and other FOB charges. We also added, in accordance with section 772(d)(1)(D) of the Act, the amount of countervailing duty assessed by the United States Government on imports of Indian metal castings. That section limits such adjustment to countervailing duties attributable to the payment of export subsidies. In this particular case, all of the subsidies in question are export subsidies and therefore, the full amount of the countervailing duty was added to purchase price.

Foreign Market Value

For six of the seven companies we used constructed value, as defined in section 773(e) of the Act, to determine the foreign market value of the castings. None of these companies had adequate sales of such or similar merchandise in the home market or in countries other than United States ("third countries"). In the case of Govind, we used third-country sales, in accordance with section 773(a)(1)(B) of the Act, because Govind's sales to Canada were adequate in volume for comparison with U.S. price.

We calculated constructed value by adding the costs of raw materials, fabrication, general expenses, profit and packing. For materials, fabrication and packing costs, we used each firm's actual cost figures. For general expenses, we used each firm's actual, general expenses allocated over its respective castings production.

In cases where the actual, general expenses are less than the statutory amount of 10 percent of the total cost for materials and fabrication, we used 10 percent for general expenses. We calculated profit on the basis of the statutory minimum of 8 percent of materials, fabrication, and general expenses. We have recently reconsidered our method of calculating profit for the purpose of constructed value as defined in section 773(e) of the

Act (see strontium nitrate from Italy (46 FR 25496)). The statute, as enacted in 1979, brings constructed value within the definition of "foreign market value." Therefore, in order to calculate profit for purposes of constructed value we look to:

1. Profits on home market sales of comparable merchandise by the individual producer under investigation.
2. Profits on third country sales of comparable merchandise by the individual producer under investigation.
3. Profits on home market sales of comparable merchandise by the industry.

In this case, none of the six firms for which constructed value was used as the basis of comparison had sales of comparable merchandise in the home market or in third countries. We have no evidence of other producers selling comparable merchandise in the home market.

Because we were unable to apply the above hierarchy, we have used the statutory minimum of eight percent for purposes of calculating constructed value. Govind's sales to Canada were made on an FOB basis. We deducted all shipping and FOB charges from the Canadian price. On its sales to the United States, Govind demands payment on presentation of documents to the bank. On its sales to Canada, Govind allows 90 days for payment but adds an interest charge directly to the sales price to cover the cost of extending the payment period. Therefore, we have deducted the interest charge from the Canadian sales price.

The Act requires that fair value comparisons be made absent of any differences in the circumstances of sale. As previously explained, we added to the purchases price the amount of the countervailing duty attributable to export subsidies assessed by the United States Government on this merchandise.

The Department of Commerce has determined that the export sales of metal castings by Govind to Canada which are being used to calculate foreign market value for that firm also benefit from the same export subsidies.

The rationale for the provision regarding the addition of countervailing duties to U.S. price is set out in the Senate Finance Committee Report (S. Rep. No. 96-249, 1st Sess. 94(1979)), which states:

The purpose of the amendment regarding additions to purchase price and exporter's sales price with respect to countervailing duties also being assessed because of an export subsidy is designed to clarify that such adjustment is made only to the extent that the exported merchandise, and not the

other production of the foreign manufacturer or producer or other merchandise handled by the seller in the foreign country, benefits from a particular (sic) subsidy. The principal (sic) behind adjustments to the price paid in these instances is to achieve comparability between the price (sic) which are being compared. Where the situation is the same, e.g., both the merchandise examined for the purpose of determining "purchase price" and such or similar merchandise examined for the purpose of determining "foreign market value" benefit from the same subsidy, then no adjustment is appropriate.

Since Govind's exports to both the U.S. and Canada benefit from the same export subsidies, the desired price comparability existed before the addition of the countervailing duty to U.S. price. Therefore, in order to re-establish the necessary comparability between U.S. Price and foreign market value for fair value comparison, we have made an adjustment under section 353.15 of the Commerce Regulations, increasing the price of Govind's sales of metal castings by the export subsidies received on exports of this product to Canada as well as the United States. In Govind's case, the amount of the export subsidies was estimated to be 13.3 percent of the FOB price to Canada.

In calculating foreign market value, we made currency conversions from Indian rupees to US dollars at a certified quarterly exchange rate of the Federal Reserve Bank of New York at the date of purchase of each sale, as required by section 353.56(a)(1) of the Commerce Regulations, for comparisons involving purchase price. In the case of Serampore, margins were found on sales made during a period of sustained changes in prevailing exchange rates. This period involved the second and third quarters of 1980, in which the rupee increased in value against the dollar by approximately six percent. The sales in question were made during the third quarter of 1980. For these sales, we applied a currency conversion adjustment which is authorized by section 353.56(b) of the Commerce Regulations. To allow Serampore a reasonable period of time to take into account price differences resulting from sustained changes in prevailing exchange rate fluctuations, we used the second quarter exchange rate to calculate foreign market value for comparison with purchase price on third quarter sales. There is precedent for this adjustment from the motorcycles from Japan (43 FR 35140) and the melamine in crystal form from the Netherlands (45 FR 29619) antidumping cases.

Counsel for the respondents has indicated that they are unable to separate the costs of producing castings which are outside the scope of this

investigation, and are more costly to produce, from the castings under investigation. Therefore, the respondents have claimed that the average cost figures overstate the cost of producing the castings under investigation. Since the respondents are unable to quantify these cost differences and to submit them for verification, we are unable to allow an adjustment to remedy any overstatement.

Counsel for the respondents also contends that an excise tax on pig and scrap iron and payments made through the Cash Compensatory Support Program ("the CCS") should be excluded from our calculation of constructed value in accordance with section 773 of the Tariff Act of 1930. Section 773 indicates that the constructed value should include the cost of materials exclusive of any internal tax levied on the materials but refunded upon exportation. During our countervailing duty investigation we concluded that the CCS payment was a subsidy program which was not a *bona fide* rebate of indirect taxes and is fully countervailable. We concluded, in the same investigation, that the excise tax refund was a valid, non-excessive rebate of an indirect tax. We have, accordingly, excluded the excise tax from our calculation of constructed value but have not reduced our calculation in the amount of the CCS payment.

Verification

In accordance with section 776(a) of the Act, we verified all information used in making this preliminary determination to the extent possible. We were granted access to the books and records of the foreign producers and Kajaria exports. We used traditional verification procedures, including on-site inspection of the manufacturers' operations and examination of accounting records and randomly selected documents containing relevant information.

Public Comment

To satisfy the requirements of 19 CFR 353.47, we will hold a public hearing to afford interested parties an opportunity to comment orally on this preliminary determination. If requested, this hearing will begin at 9:30 a.m. on June 16, 1981, at the U.S. Department of Commerce, Room 3708, 14 Street and Constitution Avenue, NW, Washington, D.C. 20230. Interested parties who desire such a hearing should inform the Deputy Assistant Secretary for Import Administration, Room 2800, at the same address. This request should contain: (1) the party's name, address, and

telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. All requests must be received by the Deputy Assistant Secretary within 10 days of publication of this notice.

Any written views filed in accordance with 19 CFR 353.46(a) should be filed at the above address, in at least 10 copies, and within 30 days of publication of this notice.

Dated: May 20, 1981.

Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-15064 Filed 5-26-81; 8:45 am]

BILLING CODE 3510-25-M

Motorcycle Batteries From Taiwan; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating an antidumping investigation to determine whether motorcycle batteries from Taiwan are being sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may preliminarily determine whether these imports are materially injuring or threatening to materially injure a U.S. industry.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Raymond G. Busen, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230 (202-377-1777).

SUPPLEMENTARY INFORMATION:

Initiation of Antidumping Investigation

On May 1, 1981, we received a petition from Yuasa-General Battery Corporation, of Reading, Pennsylvania, that complies with the filing requirements of 19 CFR 353.37. Filed on behalf of the U.S. industry producing motorcycle batteries, the petition alleges that various producers in Taiwan are selling this merchandise in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act). It also alleges that these imports are materially injuring a U.S. industry.

Sales at less than fair value generally occur when the prices of the

merchandise exported to the United States are less than the prices of such or similar merchandise sold for consumption in the exporter's home market. Material injury can include actual or potential decline in U.S. output, sales market share, profits, productivity, and return on investments.

Upon examining this petition, we have found that its information reasonably supports its allegations. Therefore, in accordance with section 732 of the Tariff Act of 1930 as amended (the Act), we are initiating an investigation to determine whether this merchandise is being sold at less than fair value within the meaning of section 731 of the Act. If our investigation proceeds normally, we will announce our preliminary determination by October 8, 1981.

Scope of the Investigation

Due to their physical dimensions, terminal configurations, and range of ampere-hour ratings, motorcycle batteries have limited application in garden tractors and certain self-starting lawnmowers. However, for purposes of this investigation, motorcycle batteries mean lead-acid storage batteries, principally dedicated for use in motorcycles, having a nominal output of either 6 or 12 volts, and rated between 2 and 28 ampere-hours (10 hour discharge rate). Motorcycle batteries are currently classified under item 683.10 of the Tariff Schedules of the United States.

Notification of ITC

Section 732 of the Act also requires us to notify the ITC of this determination and to give the ITC a copy of the information we used to arrive at it. We will make available to the ITC all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by June 15, 1981, whether there is a reasonable indication that imports of motorcycle batteries from Taiwan are materially injuring or likely to materially injure a U.S. industry. If the ITC's determination is negative, this investigation will

terminate; otherwise, it will proceed to its conclusion.

Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

May 20, 1981.

[FR Doc. 81-13616 Filed 5-20-81; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

U.S. Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for \$.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for \$5.00 each (\$10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

U.S. Department of Agriculture, Program Agreements and Patent Branch, Administrative Service Division Federal Bldg., Science and Education Administration, Hyattsville, MD 20782

Patent application 6,193,862: Stickless Burley Tobacco Curing Frames; filed October 3, 1980.

Patent application 6,202,397: Apparatus for Making No-Twist yarn; filed October 30, 1980.

U.S. Department of Energy, Assistant General Counsel for Patents, Washington, DC. 20545

Patent application 6,058,339: Apparatus for Measuring the Local Void Fraction in a Flowing Liquid Containing a Gas; filed July 17, 1979

Patent application 6,061,114: Servo Control Booster System for Minimizing Following Error; filed July 26, 1979

Patent application 6,064,594: Self-Modulating Pressure Gauge; filed Aug. 7, 1979

Patent application 6,065,033: Combined Hydraulic and Regenerative Braking Systems; filed Aug. 9, 1979

Patent application 6,065,771: Coal-Feeding Mechanism for a Fluidized Bed Combustion Chamber; filed Aug. 13, 1979

Patent application 6,066,107: Laser Pulse Detector; filed Aug. 13, 1979

Patent application 6,067,858: Acceleration Switch; filed Aug. 20, 1979

Patent application 6,070,545: Acceleration Switch; filed Aug. 29, 1979

Patent application 6,070,546: Device for Absorbing Mechanical Shock; filed Aug. 29, 1979

Patent application 6,070,547: Wet Powder Seal for Gas Containment; filed Aug. 29, 1979

Patent application 6,076,644: Apparatus for Controlling the Firing of Rectifiers in Polyphase Rectifying Circuits; filed Sept. 18, 1979

Patent 4,181,882: Corrosion Monitoring Apparatus; filed Jan. 19, 1978, patented Jan. 1, 1980; not available NTIS

Patent 4,184,514: Valve System Incorporating Single Failure Protection Logic; filed Jan. 11, 1978, patented Jan. 22, 1980; not available NTIS

Patent 4,184,536: Heat Rejection System; filed Feb. 22, 1978, patented Jan. 22, 1980; not available NTIS

Patent 4,184,562: Valve for Controlling Solids Flow; filed July 25, 1978, patented Jan. 22, 1980; not available NTIS

Patent 4,187,738: Rim for Rotary Inertial Energy Storage Device and Method; filed May 10, 1978, patented Feb. 12, 1980; not available NTIS

Patent 4,187,764: Fast-Acting Valve Actuator; filed July 12, 1972, patented Feb. 12, 1980; not available NTIS

Patent 4,188,038: Seal Arrangement for Intersecting Conduits; filed Apr. 10, 1968, patented Feb. 12, 1980; not available NTIS

Patent 4,189,688: Combination Free Electron and Gaseous Laser; filed Sept. 27, 1977, patented Feb. 19, 1980; not available NTIS

Patent 4,189,693: Superconducting Magnet; filed Dec. 28, 1977; patented Feb. 19, 1980; not available NTIS

Patent 4,189,944: Hydrodynamic Ultrasonic Probe; filed Nov. 3, 1978, patented Feb. 20, 1980; not available NTIS

Patent 4,190,160: Accident Resistant Transport Container; filed Mar. 5, 1979, patented Feb. 26, 1980; not available NTIS

Patent 4,191,928: Laser System Using Regenerative Amplifier; filed Jan. 11, 1978, patented Mar. 4, 1980; not available NTIS

Patent 4,193,422: Annular Flow Diverter Valve; filed Nov. 24, 1978, patented Mar. 18, 1980; not available NTIS

Patent 4,194,170: Shifting of Infrared Radiation Using Rotational Raman Resonances in Diatomic Molecular Gases; filed Nov. 13, 1978, patented Mar. 18, 1980; not available NTIS

Patent 4,195,813: Valve; filed May 15, 1972, patented Apr. 1, 1980; not available NTIS

Patent 4,196,353: Microradiographic Microsphere Manipulator; filed Jan. 24,

1979, patented Apr. 1, 1980; not available NTIS

Patent 4,196,423: Acoustic Emission Intrusion Detector; filed Aug. 9, 1978, patented Apr. 1, 1980; not available NTIS

Patent 4,196,522: Alignment Fixture; filed Apr. 30, 1978, patented Apr. 8, 1980; not available NTIS

Patent 4,196,613: Device for Measuring the Fluid Density of a Two-Phase Mixture; filed Nov. 30, 1978, patented Apr. 8, 1980; not available NTIS

Patent 4,198,740: Method for Forming or Bonding a Liner; filed July 24, 1978, patented Apr. 22, 1980; not available NTIS

Patent 4,202,931: Superconducting Articles of Manufacture and Method of Producing Same; filed Sept. 23, 1974, patented May 13, 1980; not available NTIS

Patent 4,203,303: Torque-Balanced Vibrationless Rotary Coupling; filed July 28, 1978, patented May 20, 1980; not available NTIS

Patent 4,204,882: Thermocouple Split Follower; filed Dec. 3, 1980; patented May 27, 1980; not available NTIS

Patent 4,217,192: Decontamination of Metals Using Chemical Etching; filed June 11, 1979, patented Aug. 12, 1980; not available NTIS

Patent 4,218,908: Device and Method for Shortening Reactor Process Tubes; filed Jan. 24, 1979, patented Aug. 26, 1980; not available NTIS

Patent 4,219,237: Method for Maximizing Shale Oil Recovery from an Underground Formation; filed Sept. 30, 1977, patented Aug. 26, 1980; not available NTIS

U.S. Department of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

Patent application 6,217,143: Everting Tube Device with Relative Advance Control; filed Dec. 16, 1980

U.S. Department of the Interior, Branch of Patents, 18th and C Streets, N.W., Washington, D.C. 20240

Patent application 6,177,975: A Method for Clarifying Slimes; filed Aug. 14, 1980

Patent application 6,177,976: Extraction of Metal Ions from Aqueous Solution; filed Aug. 14, 1980

Patent application 6,180,188: Ozone Treatment of Wet-Process Phosphoric Acid; filed Aug. 22, 1980

Patent application 6,186,090: Recovery of Bismuth from Chloride Process Solutions; filed Sept. 11, 1980

Patent application 6,200,110: In situ Tritium Borehole Probe for Measurement of Tritium; filed Oct. 24, 1980

Patent 4,223,014: Spray Immunization of Fish; filed May 8, 1978, patented Sept. 16, 1980; not available NTIS

Patent 4,231,866: Recovery of Organic and Aqueous Phases from Solvent Extraction Emulsions; filed Aug. 24, 1978, patented Nov. 4, 1980; not available NTIS

Patent 4,231,994: Separation of Zirconium from Hafnium by Solvent Extraction; filed Aug. 27, 1979, patented Nov. 4, 1980; not available NTIS

Patent 4,239,547: Recycling Spent Asphaltic Concrete; filed Jan. 12, 1979, patented Dec. 16, 1980; not available NTIS

Patent 4,242,192: Electrolytic Stripping Cell; filed Sept. 6, 1979, patented Dec. 30, 1980; not available NTIS

Patent 4,242,312: Removal of Sodium Sulfate from a Sulfate-Containing Sodium Chloride Solution in a Process for Separating Zirconium and Hafnium; filed Aug. 7, 1979, patented Dec. 30, 1980; not available NTIS

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent application 6,097,480: Case Mounted Mooring System; filed Nov. 26, 1979

Patent application 6,160,880: Self-Aligned Recessed Gate with Low Source Resistance; filed June 18, 1980

Patent application 6,167,866: Flexible Loop Slip Ring Brush; filed July 14, 1980

Patent application 6,174,292: Electronically Simulated Rotating Prism for Ultrasonic Beam Scanning; filed Aug. 1, 1980

Patent application 6,206,403: Method for the Separation of Uranium Isotopes; filed Nov. 3, 1980

Patent application 6,210,188: Multiple Thin Film Absorption of Reflected Substrate Modes in Waveguide System; filed Nov. 25, 1980

Patent application 6,214,928: Refractory Passivated Ion-Implanted Gas Ohmic Contacts; filed Dec. 10, 1980

Patent application 6,216,715: Improved Pseudo-Atmospheric Noise Generator with Control of Temporal Characteristics; filed Dec. 15, 1980

Patent application 6,216,878: Adaptive Digital Communication System; filed Dec. 15, 1980

Patent application 6,217,306: Simplified Fabrication Method for High-Performance FET; filed Dec. 17, 1980

Patent application 6,217,977: High Performance Bipolar Microwave Transistor; filed Dec. 19, 1980

Patent application 6,219,662: Radar Tracking System; filed Dec. 23, 1980

[FR Doc. 81-15705 Filed 5-26-81; 8:45 am]

BILLING CODE 3510-04-M

Patent and Trademark Office

Automation Study

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of automation study.

SUMMARY: The Patent and Trademark Office invites public participation in a study for fully automating the operations of the Office. Such automation efforts are intended to modernize the PTO's patent, trademark, information dissemination and administrative management programs. The final report of this study, which is required by Section 9 of Pub. L. 96-517, will be submitted to the Congress on or before December 12, 1982.

DATES: Written comments must be submitted on or before July 23, 1981; public hearing, July 23, 1981, 9:30 a.m.;

requests to present oral comments should be received on or before July 16, 1981.

ADDRESSES: Address written comments and requests to present oral testimony to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. The hearing will be held in Room 11C24 of Building 3, Crystal Plaza, located at 2021 Jefferson Davis Highway, Arlington, Virginia. Written comments and a transcript of the public hearing will be available for public inspection in Room 11E10 of Building 3, Crystal Plaza at 2021 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

Mr. Bradford R. Huther by telephone at (703) 557-1572 or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: Section 9 of Pub. L. 96-517 is the basis for the development of the automation plan.

Sec. 9. The Commissioner of Patents and Trademarks shall report to Congress, within two years after the effective date of this Act (December 12, 1980), a plan to identify, and if necessary develop or have developed, computerized data and retrieval systems equivalent to the latest state of the art which can be applied to all aspects of the operation of the Patent and Trademark Office, and particularly to the patent search file, the patent classification system, and the trademark search file. The report shall specify the cost of implementing the plan, how rapidly the plan can be implemented by the Patent and Trademark Office, without regard to funding which is or which may be available for this purpose in the future.

The areas proposed for study include patent automation, trademark automation, information dissemination, integrated resources management, office automation and legal decisions. Public participation is intended to insure the maximum potential for all automation opportunities to be addressed. Following the identification of automation opportunities, alternative approaches to support them will be developed and the feasibility costs and benefits associated with each will be determined.

Dated: May 14, 1981.

Rene D. Tegtmeyer,
Acting Commissioner of Patents and Trademarks.

Approved: May 19, 1981.

Robert B. Ellert,
Acting Assistant Secretary for Productivity, Technology, and Innovation.

[FR Doc. 81-15683 Filed 5-26-81; 8:45 am]

BILLING CODE 3510-16-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Supplemental Environmental Impact Statement (DSEIS)

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to prepare a draft Supplemental Environmental Impact Statement (DSEIS).

SUMMARY: In the matter of intent to prepare a draft Environmental Impact Statement to the Federal Highway Administration (FHWA) Final Environmental Impact/4(f) Statement (FEIS), approved December 12, 1975, for construction of Interstate Highway 70 (I-70) in the central portion of Glenwood Canyon, Garfield County, Colorado.

The State of Colorado, Department of Highways, on July 18, 1980, applied for a Department of the Army permit (No. 7015-A) to allow placement of fill in the Colorado River as required for construction of Interstate 70 in the central portion of Glenwood Canyon. The permit application covered the middle portion of Glenwood Canyon. The application was filed pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

The SEIS will assist the Corps of Engineers (COE) in making the public interest review for Permit Application No. 7015-A pursuant to 33 CFR Parts 320, 323 and 325. The SEIS is being prepared pursuant to 33 CFR Part 230 (COE Policy and Procedures for Implementing the National Environmental Policy Act of 1969).

The Proposed Action involves construction of a divided four-lane highway in Glenwood Canyon which will connect sections of Interstate 70 completed, under construction, or soon to be constructed to the east and west. Generally, the alignment will follow existing U.S. 6 along the north bank of the Colorado River. The proposed highway will be predominantly on retained earth embankment or on elevated bridge structures, except for short tunnel sections.

The Proposed Action includes full and partial interchange facilities that will provide access to recreation areas and adjacent U.S. Forest Service lands. A continuous bikepath/pedestrian trail will provide an alternative means of transportation, continuous river access, and an interconnection with all of the proposed recreation areas in the Canyon.

This DSEIS provides supplemental information to an approved FEIS. A

Preferred Alternative has been selected by FHWA/DOT. The numerous alternatives considered during the location and design processes will be presented in the DSEIS, and include the following:

- (1) No Build;
- (2) 48-foot, two-lane alternative;
- (3) 56-foot, three-lane alternative;
- (4) 56-foot, four-lane alternative;
- (5) 68-foot, four-lane alternative.

Concurrently with this notice, the Sacramento District is issuing a public notice to initiate the scoping process. The public notice will be sent to all known, interested parties, and will request that the reviewers provide comment on the topical scope, alternatives, and major issues to be covered in the EIS. It is intended to accomplish the scoping process in this manner; however, if it is perceived that this method is not adequate, the need for public scoping meetings will be considered.

Significant issues to be analyzed in the DSEIS as they relate to the Proposed Action include:

- (1) Traffic capacity;
- (2) Safety;
- (3) Effects to existing recreation and proposed development of recreational opportunities;
- (4) Effects to visual character of the Canyon;
- (5) Effects to Canyon vegetation and proposed revegetation of disturbed areas;
- (6) Effect to Canyon wetlands and flood plains;
- (7) Effects to Colorado River (including impact of proposed fill);
- (8) Effect to possible endangered or threatened species in the Canyon;
- (9) Effect to National Register and 4(f) properties in the Canyon;
- (10) Other social, economic and environmental effects.

We estimate the draft Supplemental EIS will be made available to the public in November 1981.

Questions concerning the Proposed Action and SEIS should be directed to Mr. Jim Gibson, Regulatory Section, U.S. Army Corps of Engineers, 850 Capitol Mall, Sacramento, California 95814, telephone (916) 440-2541 (FTS 448-2541).

Paul F. Kavanaugh,
Colonel, CE District Engineer.

May 15, 1981.

[FR Doc. 81-15006 Filed 5-26-81; 8:45 am]

BILLING CODE 3710-GH-M

Defense Intelligence Agency

Privacy Act of 1974; Notice of Amendment and Deletion of System Notices

SUMMARY: The Defense Intelligence Agency proposes to amend one system notice and delete two others which are subject to the Privacy Act of 1974. The amended system, LDIA 0005, Personnel Management Information System (PMIS) is being amended to reflect more clearly the categories of individuals covered and to otherwise update the system notice. The specific amendments are set forth below followed by the system notice as amended in its entirety.

DATES: This notice shall be amended as proposed without further notice on June 26, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Send any comments to the System Manager identified in the system notice below.

FOR FURTHER INFORMATION CONTACT: Helen E. Shuford, Chief, Administrative Management Branch, (RTS-1C) Defense Intelligence Agency, B112-Cafritz Building, Washington, D.C. 20301.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency systems of records notices as prescribed by the Privacy Act have been published in the Federal Register at:

FR Doc. 81-897 (46 FR 6628) January 21, 1981

M. S. Healy,

OSD Federal Register Liaison Officer,
Washington, Headquarters Services,
Department of Defense.

May 20, 1981.

DELETIONS

LDIA 0330

System Name:

Civilian Payroll, Leave and Travel Disbursement (46 FR 6629) Reason: System no longer maintained by the Defense Intelligence Agency as functions transferred to the Department of the Air Force.

LDIA 0801

System Name:

Defense Attache System Personnel Information File (46 FR 6637) Reason: System actually included in system LDIA 0005.

CHANGES

LDIA 0005

System Name:

Personnel Information System (PMIS).

Categories of Individuals Covered by System:

Delete current entry and enter:

"Current and former military and civilian employees of DIA, to include military and civilian personnel as well as their dependents nominated for assignment of the Defense Attache System."

Categories of Records in System:

Delete current entry and enter:

"This system consists of a variety of personnel and directory data, security, educational, training, financial and health information, location, telephone numbers and employment related records."

Routine Uses (Disclosures) of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

At the end of the current entry add:

"Information collected concerning home phone, address and emergency notification data is used to provide postal and locator service, to identify next-of-kin for emergency notification and as a source document to prepare recall and special rosters required for Agency day-to-day operations and emergency functions. At overseas locations information may be provided to host country officials, the Department of State, Department of Justice, Department of the Treasury and the Central Intelligence Agency."

Retention and Disposal:

At the end of the current entry add:

"Directory Service files are destroyed one year after an individual departs DIA. Defense Attache System records are maintained for one year after the individual's tour completion date and destroyed."

System Manager(s) and Address:

Delete current entry and enter:

"Deputy Assistant Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301."

Notification Procedures:

In the first sentence delete the word "Secretariat" and insert "CAO (PA 1974)." In the last sentence delete "room 3E-215" and insert "room 3E-223."

Records Access Procedures:

In the last sentence delete the words "Secretariat" and "room 3E-315" and substitute "CAO (PA 1974)" and "room 3E-223," respectively.

Contesting Record Procedures:

In the last sentence delete the words "Secretariat" and "room 3E-315" and substitute "CAO (PA 1974)" and "room 3E-223," respectively.

Record Sources Categories:

Delete entire entry and enter:

"Agency officials, Ambassadors, employees, educational institutions, parent services of individuals and immediate supervisors on station and other government officials."

LDIA 0005

SYSTEM NAME:

Personnel Management Information System (PMIS)

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former military and civilian employees of DIA. Military and civilian personnel and their dependents nominated for assignment to the Defense Attache System.

CATEGORIES OF RECORDS IN SYSTEM:

This system consists of a variety of personnel and directory data, security, education, training, financial and health information, location, telephone and employment related records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 creating the Defense Intelligence Agency as a separate agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used by staff, administrative and operating officials to: prepare individual administrative transactions; make decisions on the rights, benefits, entitlements and the utilization of individuals; provide a data source for the production of reports, statistical surveys, rosters, documentation and studies required for the orderly personnel administration within DIA. Information will be disclosed to such other Federal agencies, state and local governments, as may have a legitimate use for such

information and which agree to apply appropriate safeguards to protect data so provided and which is consistent with the conditions or reasonable expectations of use and disclosure under which the information was provided, collected or obtained. Information collected concerning home phone, address and emergency notification data is used to provide postal and locator service, to identify next-of-kin for emergency notification and as a source document to prepare recall and special rosters required for the Agency's day-to-day operation and emergency functions. At overseas locations information may be provided to host country, Department of State, Department of Justice, Department of Treasury and the Central Intelligence Agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**STORAGE:**

Automated, maintained on magnetic tape and manual in paper files and cards and microfilms.

RETRIEVABILITY:

By name or social security account number.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Paper files are destroyed when employment with the Agency ceases. Temporary microfilm records are destroyed when replaced with an updated film and magnetic tape files are retained indefinitely as permanent record. Directory Service files are destroyed one year after the individual departs the agency. Defense Attache System records are maintained for one year beyond the individual's tour completion date and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must

include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E-223, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURE:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specific limit. Requests can be mailed to: CAO (PA 1074), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E-223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to CAO (PA 1974), Defense Intelligence Agency, Washington, D.C., or personally delivered to room 3E-223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Agency officials and Ambassadors, employees, educational institutions, parent Service of individuals and immediate supervisor on station and other Government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-15762 Filed 5-26-81; 8:45 am]

BILLING CODE 3810-70-M

Office of the Secretary

Privacy Act of 1974; Systems of Records: Amendments and Deletions

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of amendments and deletions to systems of records notices.

SUMMARY: The Office of the Secretary of Defense proposes to amend the system notice for system of records DATSD 01,

"Files of Personnel Evaluated for Presidential Support Duties", and deletion of two systems of records: DWHS IO&R01, "Combat Area Casualties" and DWHS IO&R02, "Noncombat Area Casualties", subject to the Privacy Act of 1974. DWHS IO&R01 has been accepted by the National Archives and Records Service (NARS), and DWHS IO&R02 is covered by the Services casualty files system notices. The specific amendments and the system notice as amended are set forth below.

DATES: These actions shall be effective as proposed without further notice on June 26, 1981, unless comments are received which would result in a contrary determination.

ADDRESS: Send any comments to the System Managers identified in the system notices.

FOR FURTHER INFORMATION CONTACT:

Norma Cook, Privacy Act Officer, ODASD(A), Room 5C-315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems of records notices as prescribed by the Privacy Act have been published in the Federal Register.

FR Doc. 81-897 (46 FR 6427) January 21, 1981
FR Doc. 81-5568 (46 FR 12772) February 16, 1981
FR Doc. 81-6246 (46 FR 14031) February 25, 1981
FR Doc. 81-6491 (46 FR 14154) February 26, 1981
FR Doc. 81-7597 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16926) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20260) April 3, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11765 (46 FR 22632) April 20, 1981
FR Doc. 81-12892 (46 FR 23967) April 29, 1981
FR Doc. 81-13225 (46 FR 24620) May 1, 1981
FR Doc. 81-14226 (46 FR 26365) May 12, 1981

These proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires

the submission of new or altered system reports.

M. S. Healy,

OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.

May 20, 1981.

Amendments

DATSD 01

System name:

Files of Personnel Evaluated for Presidential Support Duties (46 FR 6427, January 21, 1981).

Changes:

Categories of records in the system:

Delete the first paragraph under the above heading, and insert:

"Forwarding memorandum from the originating agency summarizing the case and making recommendations of the personnel nominated for assignment to Presidential support duties."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the above heading, and insert:

"Routine uses (disclosure) of records maintained in the system, including categories of users and the purpose of such uses:

Internal users, uses, and purposes:"

Also, insert the following under the above heading after the word "located."

"External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Delete the above heading, and insert:

"Records management policies and practices:"

Contesting record procedures:

Delete the entry under the above heading, and insert:

"The Agency's rules for access to records and for contesting contents of records and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81."

Systems exempted from certain provisions of the act:

Delete the above heading, and insert:

*"Exemptions claimed for the system:"***DATSD 01****SYSTEM NAME:**

Files of Personnel Evaluated for Presidential Support Duties.

SYSTEM LOCATION:

Primary System-Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, Washington, D.C. 20301.

Decentralized Segments-Designated security offices within OSD, OJCS, the Services and service units having Presidential support duties.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel, DOD civilian employees, and DOD contractor personnel nominated for assignment to Presidential support duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forwarding memorandum from the originating agency summarizing the case and making recommendations of the personnel nominated for assignment to Presidential support duties.

Quarterly reports of personnel within the Presidential support program submitted by each agency involved in the program. Reports contain two parts, an alphabetical listing of those persons currently approved for Presidential support and an alphabetical listing of those persons terminated during the current quarter.

Card file of all personnel (active and inactive) in the Presidential support program. Card includes name, grade, Social Security Number, organization, dates of investigations and the dates of forwarding action from the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, to the Military Assistant to the President, and then back to the originating agency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U.S. Code, Section 133.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**INTERNAL USERS, USES, AND PURPOSES:**

Nomination files are collected to evaluate the background, character, and qualifications of persons nominated for assignment to Presidential support duties. Files are reviewed within the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, forwarded to the Military Assistant to the President, returned to the Office of the Special Assistant to the Secretary and Deputy Secretary of

Defense, and then returned to the originating agency.

Quarterly reports are required to insure that only those persons who have been properly cleared are utilized in the Presidential support program. Reports are received in two copies, one is retained in the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, and one is forwarded to the Military Assistant to the President.

Card files provide a complete reference capability of all personnel involved in the Presidential support program. They are used to identify the unit of assignment of each individual and to provide a cross-reference to the dates that the corresponding nomination file was acted upon. From these dates, the appropriate forwarding memorandum can be located.

EXTERNAL USERS, USES, AND PURPOSES:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

RECORDS MANAGEMENT POLICIES AND PRACTICES:**STORAGE:**

Paper records in file folders; cards in card files.

RETRIEVABILITY:

Nomination folders are not filed by the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense.

Quarterly reports are filed according to the originating agency.

Card files are filed alphabetically by last name of individual considered for Presidential support duties.

SAFEGUARDS:

Nomination folders are afforded appropriate classified protection at all times and stored in safes authorized for storage of material up to Top Secret.

Quarterly reports are afforded appropriate classified protection at all times and stored in safes authorized for storage of material up to Top Secret.

Card files are stored in metal file cabinets in a locked room.

All records are accessible only to authorized personnel, who are properly trained and cleared on a strict need-to-know basis.

RETENTION AND DISPOSAL:

Nomination files are returned to originator upon selection/nonselection.

Quarterly reports are retained for six months and then destroyed.

Card files are maintained during the entire period an individual is cleared in

the program; inactive cards are maintained at least five years after termination.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense.

Written requests for information should contain the full name of the individual, Social Security Number, and unit of assignment within the Presidential support program.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, military identification card, or civilian employee or building access identification card.

RECORD ACCESS PROCEDURE:

Procedures for gaining access by an individual may be obtained from the following:

Military Assistant to the Special Assistant to the Secretary and Deputy Secretary of Defense
Room 3E941, Pentagon, Washington, D.C. 20301
Telephone: 202-695-0028

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents of records and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Nomination files are submitted by the agency at which the individual is nominated for assignment to Presidential support duties.

Quarterly reports are submitted by each agency with a Presidential support mission.

Card files are originated in the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, extracting pertinent information from the nomination folders.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-15770 Filed 5-26-81; 8:45 am]

BILLING CODE 3810-70-M

Defense Science Board Panel To Review MX Missile Basing; Change in Meeting Place

The Defense Science Board Panel to Review MX Missile Basing meeting scheduled for 28-30 May 1981 in San Francisco, California as published in the Federal Register (Vol. 46, No. 62, dated Wednesday, April 29, 1981, FR Doc. 81-12858) has been changed to Los Angeles, California. In all other respects, the original notice cited above remains the same.

May 20, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.

[FR Doc. 81-15059 Filed 5-26-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Cibro Gasoline Corp.; Action Taken on Consent Order

Pursuant to 10 CFR 205.199], the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of final action taken on a Consent Order. Under the terms of 10 CFR 205.199](b), no Consent Order involving sums in excess of \$500,000 shall become effective until ERA publishes notice of its execution and solicits and considers public comments with respect to its terms.

On March 24, 1981, ERA published a Proposed Consent Order which was executed between Cibro Gasoline Corporation and the ERA (45 FR 18334-56, March 24, 1981). With this notice, and in accordance with 10 CFR 205.199], ERA invited interested persons to comment on the Proposed Consent Order. No one submitted comments on the terms and conditions of the Consent Order. The ERA has concluded that the Consent Order as executed between ERA and Cibro Gasoline Corporation is an appropriate resolution of the compliance proceedings described in the Notice published March 24, 1981, and hereby gives notice that the Consent Order shall become effective as proposed on March 24, 1981.

Issued in Philadelphia, Pennsylvania, this 11th day of May, 1981.

Edward F. Momorella,

District Manager, Northeast District Office of Enforcement.

[FR Doc. 81-15736 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-01-M

Mallard Resources, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Consent Order and Opportunity for Comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a Proposed Consent Order and provides an opportunity for public comment on the terms and conditions, of the Proposed Consent Order and for potential claims against the refunds deposited in an escrow account pursuant to the Consent Order.

DATE: Comments By: June 26, 1981.

ADDRESS: Send Notices of Claim to: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, ERA, U.S. Department of Energy, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Stanley S. Mills, (202) 653-3548.

SUPPLEMENTARY INFORMATION: On April 24, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Mallard Resources, Inc. of Houston, Texas. Under 10 CFR 205.199(b), a Consent Order which involves a sum of \$500,000 or more in the aggregate, excluding penalties and interest, becomes effective no sooner than 30 days after DOE has provided an opportunity for comment with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Mallard Resources, Inc., with its home office located in Houston, Texas, is a refiner, and was subject to the mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212 during the period covered by this Consent Order ("Settlement period"). To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its investigation of Mallard, the Office of Enforcement, ERA, and Mallard entered into a Consent Order, the significant terms of which are as follows:

1. The period of the investigation was from July 1979 through August 1979 and included Mallard's submissions of forms ERA-49.

2. DOE alleges that Mallard, in its form ERA-49 pertaining to the months of

July and August 1979, failed to include in its crude oil receipts volumes which had been included by Mallard in its crude oil runs to stills. DOE alleges that, therefore, Mallard in its erroneous filings, violated the provisions of 10 CFR 211.66(b) and (h) and 211.67(j).

3. Mallard agrees to refund \$800,000.00, plus interest on the principal balance after the effective date of the Consent Order.

4. The provisions of 10 CFR 205.199], including the publication of this Notice, are applicable to the Consent Order.

II. Refunds

A. Disposition of Refunds

In this Consent Order, Mallard agrees to pay in full settlement of any civil liability, excluding civil penalties, with respect to actions which might be brought by the Office of Enforcement ERA arising out of the transactions, the sum of \$800,000.00, plus interest as described above. The refund shall be paid in 48 successive monthly installments with the first payment due within 10 days of the effective date of the Consent Order. Refunded amount will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. This amount will remain in a suitable account pending the determination of its proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Because of the petroleum industry's complex marketing system, it is likely that violation amounts have either been passed through as higher prices to subsequent purchasers or offset through the Entitlements Program. In fact, the adverse effects of the reporting errors may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199(a).

B. Civil Penalty

Mallard agrees to pay the sum of \$1,000.00 as a civil penalty in regard to the above described transactions during the settlement period.

III. Submission of Written Comments

A. Potential Claimants

Interested persons who believed that they have a claim to all or a portion of

the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your written notification of a claim to Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, ERA, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461. You may obtain a free copy of this Consent Order by writing to the same address or by calling Stanley S. Mills, (202) 653-3548.

You should identify your comments or written notification of a claim on the documents you submit with the designation, "Comments on Mallard Resources, Inc. Consent Order." "We will consider all comments we receive by 4:30 p.m., local time, on [30 days after publication] 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C., on the 20 day of May, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-15737 Filed 5-27-81; 8:45 am]

BILLING CODE 8450-01-M

Marbob Energy Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: May 18, 1981.

FOR FURTHER INFORMATION CONTACT:

Crude Producers Branch, Attn: John Marks, Office of Enforcement, Room 5002, 2000 M Street NW., Washington, D.C. 20461, Telephone Number (202) 653-3517.

SUPPLEMENTARY INFORMATION:

On July 31, 1979, the Office of Enforcement of the ERA published notification in the *Federal Register* that it executed a Consent Order with Marbob Energy Corporation (MEC) of Artesia, New Mexico, on June 27, 1979, 44 FR 44925 (1979). Interested persons were invited to submit comments concerning the terms, conditions, and procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by MEC pursuant to the Consent Order were requested to submit notice of their claims to the ERA. The ERA received no claims to the refunds.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, MEC is refunding the sum of \$34,000 plus interest by certified checks made payable to the United States Department of Energy in 36 monthly installments. All such funds received by DOE have been placed into a suitable account pending determination of their proper distribution.

Action Taken

The ERA is unable readily to identify the persons entitled to receive the \$34,000 plus interest or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the ERA has petitioned the Office of Hearings and Appeals (OHA) on May 18, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 20th day of May, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-15730 Filed 5-26-81; 8:45 am]

BILLING CODE 8450-01-M

OKC Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a Consent Order issued as signed.

DATE: Effective date: December 17, 1980. Issue date: May 19, 1981.

FOR FURTHER INFORMATION CONTACT:

Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3548.

SUPPLEMENTARY INFORMATION: On April 3, 1981, 46 FR 20265 (1981), the Office of Enforcement of the ERA published notification in the *Federal Register* that it had executed a Consent Order with OKC Corporation on December 17, 1980, which was made effective immediately because the Office of Enforcement of the ERA deemed it necessary in the public interest under the terms of 10 CFR § 205.199(b). Pursuant to 10 CFR 205.199(c), interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order.

Two comments were received. Both commentators recommended that the refunds be effected through the Entitlements Program. The Consent Order does not preclude this remedy and therefore was not modified. The Consent Order was issued as signed on May 19, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-15735 Filed 5-26-81; 8:45 am]

BILLING CODE 8450-01-M

Oxnard Refinery; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a Consent Order issued as signed.

DATE: Effective date: December 22, 1980. Issue Date: May 19, 1981.

FOR FURTHER INFORMATION CONTACT:

Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement,

2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3548.

SUPPLEMENTARY INFORMATION: On February 6, 1981, 46 FR 11338 (1981), the Office of Enforcement of the ERA published notification in the *Federal Register* that it had executed a Consent Order with Oxnard Refinery on December 22, 1980, which was made effective immediately because the Office of Enforcement of the ERA deemed it necessary in the public interest under the terms of 10 CFR 205.199(b). Pursuant to 10 CFR 205.199(c), interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order.

One comment was received. The commenter recommended that the refunds be effected through the Entitlements Program. The Consent Order does not preclude this remedy and therefore was not modified. The Consent Order was issued as signed on May 19, 1981.

Robert D. Gerrig,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-15731 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-01-M

Superior Oil Co.; Final Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Final Action taken on a Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy announces final action of a Consent Order.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Wayne I. Tucker, District Manager, Southwest District Enforcement, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

SUPPLEMENTARY INFORMATION: On March 20, 1981, the ERA of the DOE executed a Proposed Consent Order with Superior Oil Company of Houston, Texas and a *Federal Register* Notice was published on April 6, 1981. Under 10 CFR 205.199(c), a Proposed Consent Order becomes effective only after the ERA has published notice of its execution and solicits and considers public comments with respect to its terms. Therefore, the ERA published a Notice of Proposed Consent Order and invited interested persons to comment on the Proposed Order. At the conclusion of the thirty-day comment

period, the ERA had received four notices of claims against the refund amount of the Consent Order and there were no objections received to the Consent Order. Accordingly, the ERA has concluded that the Consent Order as executed between the ERA and Superior Oil Company is an appropriate resolution of the compliance proceeding which it described and it shall become final and effective as proposed, without modification, upon publication of this Notice. Procedures and requirements for documenting proof of claim are being developed. Refunded overcharges received, if any, will remain in a suitable government escrow account pending the determination of their proper disposition.

Issued in Dallas, Texas, on the 12th day of May 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-15729 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-01-M

Upham Oil and Gas Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: May 18, 1981.

FOR FURTHER INFORMATION CONTACT: Charles L. Croxton, Program Manager for Natural Gas Liquids, Program Operations Division, Office of Enforcement, 2000 M Street, N.W., Room 5204, Washington, D.C. 20461, (202) 653-3541.

SUPPLEMENTARY INFORMATION: On October 29, 1979, the Office of Enforcement of the ERA published notification in the *Federal Register* that it executed a Consent Order with Upham Oil and Gas Company (Upham) of Mineral Wells, Texas on September 18, 1979, 44 FR 61993 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by Upham pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, Upham agreed to a settlement of \$500,000, including interest. Of the settlement amount, \$184,707 had already been refunded to the marketplace, leaving a refundable amount of \$315,293. This sum has been received by DOE and has been placed into a suitable account pending determination of its proper distribution.

The ERA received no claims to the refunds.

Action Taken: The ERA is unable to identify readily the persons entitled to receive the \$315,293 or to ascertain the amounts of refunds that such persons are entitled to receive. The ERA, therefore, has petitioned the Office of Hearings and Appeals (OHA) on May 18, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 20th day of May 1981.

Robert D. Gerrig,

Director, Program Operations Division.

[FR Doc. 81-15732 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-01-M

Withdrawal of Statement of Policy Regarding Audits Begun After June 30, 1978, To Determine Compliance With the Mandatory Petroleum Price Regulations

Effective immediately, the Economic Regulatory Administration (ERA) is withdrawing its Statement of Policy Regarding Audits Begun After June 30, 1978, to Determine Compliance With the Mandatory Petroleum Price Regulations (audit policy statement) (43 FR 27782, June 27, 1978). This action is being taken because of the recent federal district court decision, *United States of America, et al. v. Marshall Tobins, President, Weston Petroleum, Inc.*, No. 80-2064-K (D. Mass., April 20, 1981), in which the court declined to enforce an ERA subpoena on the ground that it was not in compliance with the audit policy statement. Immediately subsequent to the issuance of this decision, other firms filed complaints premised upon the April 20 decision seeking to enjoin ERA

audits. Since it was not ERA's intent to establish an unvarying standard enforceable by third parties, which could frustrate the agency's judgment to undertake an audit, ERA has determined that the withdrawal of the audit policy statement best effectuates its intent leave with the Department of Energy the decision of whether to exercise its prosecutorial discretion to initiate audits.

Issued in Washington, D.C. on the 19th of May 1981.

Gordon W. Harvey,

Director, Office of Enforcement, Economic Regulatory Administration, Department of Energy.

[FR Doc. 81-15728 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP78-432-001]

ANR Storage Co.; Petition To Amend

May 19, 1981.

Take notice that on May 5, 1981, ANR Storage Company (ANR), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP78-432-001 a petition to amend the order of July 23, 1979, issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize ANR to drill one additional injection/withdrawal well in the Cold Springs 12 storage reservoir in Kalkaska County, Michigan, all as more fully set forth in the petition to amend and open to public inspection.

By order of July 23, 1979, issued in the instant docket, ANR states that it was authorized to drill eight new wells in the Cold Springs 12 reservoir. However, during the drilling activities, the porosity of the Cold Springs 12 reservoir was found to be less than that which was anticipated, it is said. ANR states that based upon combined drilling and operational data after an entire cycle of operation, April 1, 1980, to March 31, 1981, the additional well is required to achieve the certificated deliverability of the Cold Springs 12 reservoir.

The petition states that the proposed injection-withdrawal well and related gathering pipeline at Cold Spring would be situated at an existing well pad site which is in Cold Springs, Kalkaska County.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and

Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15617 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2841-001]

City of Ukiah, California; Application for Major License—Existing Dam

May 19, 1981.

Take notice that the City of Ukiah (Applicant) filed on April 13, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. Sections 791(a)-825(r)] for the proposed Lake Mendocino Power Project, FERC No. 2841, to be located at the base of the U.S. Army Corps of Engineers' (Corps) existing Coyote Dam on the East Fork of the Russian River in Mendocino County, California. The project would use water released from the Lake Mendocino through the existing outlet works. Correspondence with the Applicant should be directed to: Honorable Hays Hickey, Mayor, City of Ukiah, 203 South School Street, Ukiah, California 95482, with a copy to City Manager, City of Ukiah, 203 South School Street, Ukiah, California 95482.

Project Description:—The proposed project would consist of: (1) an existing 12.5-foot diameter concrete tunnel, to be modified by installing a 900-foot long, 12-foot diameter steel penstock and a Howell-Bunger valve to accommodate for power production; (2) a powerhouse to contain one Francis-type, turbine-generating unit with a rated capacity of 3 MW and one Francis or Turgo-type, turbine-generating unit with a rated capacity of 0.5 MW; (3) a 200-foot long riprapped tailrace channel; (4) a switchyard, integral with the powerhouse; and (5) a 12-kV tap line to connect to the existing 12-kV service line to join the powerhouse to the nearby Pacific Gas and Electric Company's (PG&E) distribution system.

Purpose of Project:—The power generated by the Lake Mendocino Project would replace the power which the Applicant presently purchases from PG&E for use within its distribution system. Applicant estimates the project

would produce about 16.76 GWh annually.

Recreational facilities at Lake Mendocino have been developed by the Corps. Facilities are available for camping, picnicking, swimming, fishing, hiking, and boating. Applicant proposes no additional recreational facilities at the site.

Applicant estimates the total cost of the project to be about \$12 million.

Competing Applications:—Anyone desiring to file a competing application must submit to the Commission, on or before July 8, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than November 5, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene:—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 8, 1981.

Filing and Service of Responsive Documents:—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for license for Project No. 2841. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory

Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-15618 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-312-000]

El Paso Natural Gas Co.; Application

May 15, 1981.

Take notice that on May 1, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-312-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the extension of the Clay Basin interim storage arrangements through October 31, 1982, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed extension of the Clay Basin Arrangements would permit the continued preservation of natural gas presently owned by Clay Basin Storage Company (Storage Company) in the Clay Basin storage field for use in the protection of service to Priority 1 and 2 requirements of certain of Applicant's east-of-California (EOC) customers during the 1981-82 winter season. The subject proposal would further permit the preservation of natural gas owned by Storage Company and remaining in the Clay Basin Storage Field after the 1981-82 winter season to be made available for utilization in the Washington Ranch Storage Project.

Applicant further states that in Docket No. RP72-6, *et al.*, the Commission approved a settlement providing for (1) Applicant to serve its total Category B customers; Priority 1 and 2 requirements up to the Control Point defined in the settlement, with supplies allocated such customers as a group and supplemented as necessary by withdrawals from Applicant's storage and/or supplies from other arrangements, (2) the daily exemption from curtailment of all other EOC customers' requirements in all priorities and, for such preferential

treatment, the sharing by such exempt Category C customers in the Cost for storage and/or supply arrangements utilized by Applicant for the protection of its Category B customers' Priority 1 and 2 requirements, (3) the authorization of the Clay Basin Arrangements through September 30, 1981, and providing further that any Priority 1 and 2 Protection Gas remaining after April 1, 1982, for Storage Company's account in the Clay Basin Storage Field may be utilized, by displacement, to provide Applicant with equivalent volumes for injection into its Washington Ranch Storage Project, and (4) the certification of the Washington Ranch Storage Project.

Applicant indicates that its Washington Ranch Storage Project would not be operational until after the 1981-82 winter season. Accordingly, Applicant submits that it requires interim load equation prior to April 30, 1982, for protection of its Category B customers' Priority 1 and 2 requirements during the 1981-82 winter season and that the proposed extended Clay Basin Arrangements, together with other further load equation arrangements, would assist Applicant in the protection of service to its Category B customers' Priority 1 and 2 requirements until the Washington Ranch Storage Project is placed in operation.

Applicant asserts that in order to extend the Clay Basin Arrangement through October 31, 1982, Applicant, Storage Company, Northwest Pipeline Corporation (Northwest), Mountain Fuel Resources, Inc. (Resources), Mountain Fuel Supply Company (Mountain Fuel) and certain of Applicant's EOC distributor customers, including Southwest Gas Corporation (Southwest), have entered into various agreements whereby (1) the reduced Clay Basin storage surcharge rate of 12.81 cents per Mcf can be made effective on May 1, 1981, (2) approximately 17,500,000 Mcf of natural gas presently owned by Storage Company can continue to be preserved in the Clay Basin storage field for the protection of Priority 1 and 2 service to Applicant's Category B customers during the 1981-82 winter season, (3) up to 10,300,000 Mcf of natural gas owned by Storage Company in the Clay Basin storage field can be used by Mountain Fuel, as cushion gas, for approximately a one-year period commencing with the effective date of the amendment of Clay Basin interim storage service Rate Schedule S-2 dated as of March 15, 1981, (4) approximately 11,000,000 to 15,000,000 Mcf of natural gas owned by Storage Company and remaining in the

Clay Basin storage field after 1981-82 winter season can be exchanged with Northwest or Mountain Fuel prior to November 1, 1982, sold by Storage Company to certain EOC distributor customers and equivalent volumes backed off by Applicant for preservation in the Washington Ranch Storage Project, (5) approximately 1,700,000 Mcf of Southwest's Opinion 800-B payback gas presently stored in the Clay Basin storage field can be used by Southwest to offset curtailment by Applicant through October 31, 1982, and (6) the Clay Basin arrangements would be terminated on October 31, 1982.

Applicant represents that the subject proposal is needed timely to permit it to make effective May 1, 1981, the reduced Clay Basin storage surcharge rate of 12.81 cents per Mcf attributable to (1) the cost sharing now contemplated among Storage Company, Northwest, Mountain Fuel and Resources through October 31, 1982, of the Resources monthly Clay Basin storage field cost of service, and (2) Mountain Fuel's use, as cushion gas, of up to 10,300,000 Mcf of natural gas owned by Storage Company in the Clay Basin storage field. Further, it is asserted that the proposed extension should permit the continued preservation of natural gas presently owned by Storage Company in the Clay Basin storage field for use in the protection of service to Priority 1 and 2 requirements of Applicant's Category B customers during 1981-82 winter season and would permit the preservation of natural gas owned by Storage Company and remaining after the 1981-82 winter season in the Clay Basin storage field to be made available for the Washington Ranch Storage Project.

The proposed extended arrangements contemplate that the purchase and holding of natural gas inventories by Storage Company would be financed primarily, as in the past, through borrowing under a revolving credit agreement with The Chase Manhattan Bank (N.A.).

Any person desiring to be heard or to make any protest with reference to said application should on or before May 26, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

(FR Doc. 81-15634 Filed 5-26-81; 8:45 am)

BILLING CODE 6450-85-M

(6) a new 69-kV transmission line approximately 0.75 mile long; and (7) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 17,000,000 kWh.

Purpose of Project—All project power would probably be sold to the Public Service Company of Colorado.

Proposed Scope and Cost of Studies Under Permit—The work proposed under this preliminary permit would include preliminary designs, an economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to rehabilitate and operate the project. Applicant estimated that the work to be performed under this preliminary permit would cost \$55,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 28, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard

or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4515. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

(FR Doc. 81-15619 Filed 5-26-81; 8:45 am)

BILLING CODE 6450-85-M

[Project No. 4515-000]

E. R. Jacobson; Application for Preliminary Permit

May 19, 1981.

Take notice that E. R. Jacobson (Applicant) filed on April 13, 1981, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r) for proposed Project No. 4515 to be known as Jacobson Hydro No. 1 Project located on the Colorado River in Mesa County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. E. R. Jacobson, Box 2162, Grand Junction, Colorado 81502. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-river project would consist of: (1) an existing concrete ogee-crested dam, 26 feet high and 350 feet long; (2) a small impoundment with negligible storage; (3) an existing power canal approximately 900 feet long; (4) a new powerhouse; (5) three new 650-kW turbine/generator units operating under a head of 16 feet;

[Docket No. CP80-540]

Faustina Pipe Line Co.; Amendment to Application For Declaration of Exemption

May 19, 1981.

Take notice that on April 27, 1981, Faustina Pipe Line Company (Faustina),

P.O. Box 3102, Tulsa, Oklahoma 74101, filed in Docket No. CP80-540 an amendment to its application for exemption, as supplemented, in the instant docket pursuant to Section 1(c) of the Natural Gas Act and the rules and regulations thereunder so as to reflect two additional natural gas sales and transportation arrangements, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In its application, as supplemented, in the instant docket, Faustina requests exemption from the provisions of the Natural Gas Act and the rules and regulations thereunder of its operations, facilities, and any transportation (or sale for resale) of natural gas performed by Faustina as a result of certain prospective natural gas transactions.

Subsequent to the filing of the application, as supplemented, Faustina states that it has entered into a gas sales agreement dated February 23, 1980, with Northern Natural Gas Company (Northern), whereby Northern has agreed to sell, on an interruptible basis, to Faustina gas derived from and commingled with its general system supply (which supply is traveling in interstate commerce). Northern would deliver the gas to Transcontinental Gas Pipe Line Corporation (Transco) at a point of interconnection between the facilities of Northern and Transco in Cameron Parish, Louisiana,¹ it is said. Faustina states that it is currently arranging for further transportation of the gas by Transco to Faustina's facilities in St. James Parish, Louisiana, pursuant to the provision of Section 311 (a)(1) of the Natural Gas Policy Act of 1978 (NGPA) and the Commission's regulations thereunder.

Additionally, Faustina has entered into a gas service agreement dated March 30, 1981, with Natural Gas Pipeline Company of America (Natural) whereby Natural has agreed to sell, on an interruptible basis to Faustina, natural gas derived from and commingled with its general system supply (which supply is traveling in interstate commerce). Natural would deliver the gas to Stingray Pipeline Company and Louisiana Resource Company (Louisiana Resource) in Cameron Parish,² it is said. Faustina states that it has arranged for further transportation by exchange of the gas by Louisiana Resources to Faustina's facilities in St. James Parish, pursuant to

the provisions of Section 311 (a)(2) of the NGPA and the Commission's regulations thereunder.

Faustina states that the further transportation (or sale for resale) of gas which it obtains from interstate sources of supply, but for the provisions of Section 1(c) of the Natural Gas Act, would subject it to jurisdiction of the Commission. Faustina asserts that in order to establish its jurisdictional status under the Natural Gas Act prior to commencing the transportation service (or sale for resale) of supplies received from Michigan Wisconsin Pipe Line Company (Mich Wisc) (as previously described in the March 10, 1981, supplement), Northern, Natural or other interstate sources, Faustina requests that the Commission issue, if not earlier, then in conjunction with any order approving the application of Mich Wisc in Docket No. CP81-221, or of Northern in Docket No. CP81-235, or of Natural in Docket No. CP81-303, a declaration of exemption setting forth that neither Faustina, nor its facilities, nor any transportation (or sale for resale) performed by it, would be subject to the jurisdiction of the Commission under the Natural Gas Act by reason of such transactions.

Faustina states that it has met the requirements for exemption as set forth under Section 1(c) of the Natural Gas Act and Part 152 of the Commission's Regulations and that it is therefore entitled to a finding of exemption by the Commission.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-15620 Filed 5-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. QF81-29-000]

H. M. Browning; Application For Commission Certification of Qualifying Status of a Small Power Production Facility

May 19, 1981.

On May 6, 1981, H. M. Browning filed with the Federal Energy Regulatory Commission (Commission) an application to be certified as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is an Energetech 4000 wind system to be located in Port Lavaca, Texas. The facility's primary energy source is wind and has a power production capacity of 4 Kilowatts. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-15621 Filed 5-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. QF81-31-000]

James A. Miller; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

May 19, 1981.

On May 8, 1981, James A. Miller, R.R. #2, Box 361-A, Kearney, Nebraska, filed with the Federal Energy Regulatory Commission (Commission) an application to be certified as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is a 10 kilowatt Jacobs Wind Energy Conversion System

¹ Northern has filed for authorization in Docket No. CP81-235 to make the sale and deliveries to Faustina.

² Natural has filed for authorization in Docket No. CP81-303 to make the sale and delivery to Faustina.

located at the above address. There are no other such facilities located at the same site and the applicant plans no usage of natural gas, oil, or coal. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by

the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-15622 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume No. 52]

**Availability of Federal Power
Commission Reports**

May 19, 1981.

Notice is hereby given that Volume

No. 52 of the *Federal Power Commission Reports* is available for purchase at the United States Government Printing Office Bookstore. Volume No. 52 contains Federal Power Commission (Federal Energy Regulatory Commission's predecessor) opinions, orders, and precedential procedural orders for the period January 1, 1974 through December 31, 1974. Persons interested in purchasing this two volume set may remit \$26.00 for GPO Stock 061-002-00060-0 to the following address: Superintendent of Documents, United States Government Printing Office, Washington, DC 20402.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-15635 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

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PURCHASER

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FILL NAME

8127511	340752244	107	SHERATT #1	3.5	COLUMBIA GAS TRANSPI
8127509	340752240	103	SHERATT #2	2.0	COLUMBIA GAS TRANSPI
8127509	340752246	107	SHERATT #2	2.0	COLUMBIA GAS TRANSPI
-BUCKEYE OIL PRODUCING CO					
8127521	341112201	103	RECEIVED: 04/27/81 JAS: CH	12.0	COLUMBIA GAS TRANSPI
8127522	341112201	107	#1 OTTO BUKHART SR	12.0	COLUMBIA GAS TRANSPI
8127519	340752247	103	#1 OTTO BUKHART SR	18.0	EAST OHIO GAS CO
8127519	340752247	107	ANDREW RAGER #1	18.0	EAST OHIO GAS CO
8127528	341112208	103	CLARENCE CHRISTIAN #1	14.0	COLUMBIA GAS TRANSPI
8127528	341112208	107	CLARENCE CHRISTIAN #1	14.0	COLUMBIA GAS TRANSPI
8127524	341112166	103	CLYDE LANDEFELD #1	13.0	COLUMBIA GAS TRANSPI
8127526	341112166	107	CLYDE LANDEFELD #1	13.0	COLUMBIA GAS TRANSPI
8127534	340752236	103	DANIEL WEAVER #1	16.0	COLUMBIA GAS TRANSPI
8127534	340752236	107	DANIEL WEAVER #1	16.0	COLUMBIA GAS TRANSPI
8127532	340752225	103	HANNA #2	13.0	COLUMBIA GAS TRANSPI
8127532	340752225	107	HANNA #2	19.0	EAST OHIO GAS CO
8127537	340752243	103	HENRY J WERSHMEGER #1	19.0	EAST OHIO GAS CO
8127537	340752243	107	HENRY J WERSHMEGER #1	13.0	COLUMBIA GAS TRANSPI
8127524	341112207	103	LAWRENCE RICER #1	13.0	COLUMBIA GAS TRANSPI
8127525	341112207	107	LAWRENCE RICER #1	16.0	COLUMBIA GAS TRANSPI
8127536	341652246	103	W PERRY #1	16.0	COLUMBIA GAS TRANSPI
8127536	341652246	107	W PERRY #1	18.0	EAST OHIO GAS CO
8127538	340752243	103	MENNO YODER #1	18.0	EAST OHIO GAS CO
8127538	340752243	107	MENNO YODER #1	60.0	EAST OHIO GAS CO
8127529	340312340	103	MILLER UNIT #1	60.0	EAST OHIO GAS CO
8127529	340312340	107	MILLER UNIT #1	9.0	COLUMBIA GAS TRANSPI
8127525	340312340	103	OLIVE & CLARENCE ROE #1	9.0	COLUMBIA GAS TRANSPI
8127525	341112196	107	OLIVE & CLARENCE ROE #1	10.0	COLUMBIA GAS TRANSPI
8127532	341112196	103	OTTO BUKHART JP (78) #1	10.0	COLUMBIA GAS TRANSPI
8127532	341112202	103	OTTO BUKHART JP (78) #1	10.0	COLUMBIA GAS TRANSPI
8127531	341112202	107	OTTO BUKHART JP (82) #1	10.0	COLUMBIA GAS TRANSPI
8127531	341112195	103	OTTO BUKHART JP (82) #1	8.0	COLUMBIA GAS TRANSPI
8127531	341112195	107	OTTO BUKHART JP (82) #1	8.0	COLUMBIA GAS TRANSPI
8127523	341112195	103	PAUL CRUM #1	13.0	COLUMBIA GAS TRANSPI
8127523	341112195	107	PAUL CRUM #1	13.0	COLUMBIA GAS TRANSPI
8127530	341112188	103	POLLOCK #1	10.0	COLUMBIA GAS TRANSPI
8127530	341112188	107	POLLOCK #1	10.0	COLUMBIA GAS TRANSPI
8127524	341112189	103	REICH #1	10.0	COLUMBIA GAS TRANSPI
8127524	341112189	107	REICH #1	10.0	COLUMBIA GAS TRANSPI
8127524	340752250	102	ROY WILLER #3	16.0	COLUMBIA GAS TRANSPI
8127535	340752250	107	ROY WILLER #3	16.0	COLUMBIA GAS TRANSPI
8127535	340752250	103	ROY WILLER #3	10.0	COLUMBIA GAS TRANSPI
-CALLANDER & KIMBLE INC					
8127540	3403124120	103	RECEIVED: 04/27/81 JAS: CH	10.0	
8127540	3403124120	107	PHILIP ROWN #6	0.0	COLUMBIA GAS
8127542	341112207	103	RECEIVED: 04/27/81 JAS: CH	0.0	COLUMBIA GAS
8127542	341112207	107	ROSS #1		
8127541	341110000	103	GALLATIN #1	4.0	EAST OHIO GAS CO
8127541	341110000	107	GALLATIN #1	5.0	EAST OHIO GAS CO
-CHANCE PETROLEUM CORPORATION					
8127559	340721374	103	RECEIVED: 04/27/81 JAS: CH	5.0	EAST OHIO GAS CO
8127559	340721374	107	A & M CLARK #1	5.0	EAST OHIO GAS CO
8127553	340721434	103	A C & G P JEROME #1	5.0	EAST OHIO GAS CO
8127553	340721434	107	A C & G P JEROME #1	5.0	EAST OHIO GAS CO
8127555	340721434	103	RECEIVED: 04/27/81 JAS: CH	5.0	EAST OHIO GAS CO
8127555	340721434	107	A C & G P JEROME #2	5.0	EAST OHIO GAS CO
8127556	340721434	103	A C & G P JEROME #2		
8127556	340721434	107	A C & G P JEROME #2		

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812752	3405922649	103	HALL-KELLER-SHIMA UNIT #1	SENCAVILLE	43.8 COLUMBIA GAS
812753	3405922649	107	HALL-KELLER-SHIMA UNIT #1	SENCAVILLE	43.8 COLUMBIA GAS
812754	3405922615	103	HOWARD C ARMSTRONG WELL #3	OLD WASHINGTON	8.0 CINCINNATI GAS & ELE
812755	3405922615	107	HOWARD C ARMSTRONG WELL #3	OLD WASHINGTON	8.0 CINCINNATI GAS & ELE
812756	3405922667	103	TREAF AND CHARLES WAREHIME #1	SENCAVILLE	43.8 COLUMBIA GAS
812757	3405922667	107	TREAF AND CHARLES WAREHIME #1	SENCAVILLE	43.8 COLUMBIA GAS
812758	3405922616	103	JAMES E WILEY #1	KNOX	11.0 CINCINNATI GAS & ELE
812759	3405922616	107	JAMES E WILEY #1	KNOX	11.0 CINCINNATI GAS & ELE
812760	3405922643	103	K C HALL AND ERIC KELLER #2	SENCAVILLE	43.8 COLUMBIA GAS
812761	3405922643	107	K C HALL AND ERIC KELLER #2	SENCAVILLE	43.8 COLUMBIA GAS
812762	3405922600	103	MARY McHAFFEY #1	KNOX	30.0 CONSOLIDATED ALUMINI
812763	3405922600	107	MARY McHAFFEY #1	KNOX	30.0 CONSOLIDATED ALUMINI
812764	3405922559	103	MARY McHAFFEY ET AL #2	KNOX	28.0 CONSOLIDATED ALUMINI
812765	3405922559	107	MARY McHAFFEY ET AL #2	KNOX	28.0 CONSOLIDATED ALUMINI
812766	3405922755	103	MICHAEL AND CYNTHIA FEGORIN #1	CAMBRIDGE	30.0 COLUMBIA GAS
812767	3405922755	107	MICHAEL AND CYNTHIA FEGORIN #1	CAMBRIDGE	30.0 COLUMBIA GAS
812768	3405922644	103	R P SMITH #1	SENCAVILLE	43.8 COLUMBIA GAS
812769	3405922644	107	R P SMITH #1	SENCAVILLE	43.8 COLUMBIA GAS
812770	3405922754	103	RALPH & CHARLES BRADEN #3	CAMBRIDGE	36.0 COLUMBIA GAS
812771	3405922754	107	RALPH & CHARLES BRADEN #3	CAMBRIDGE	36.0 COLUMBIA GAS
812772	3405922752	103	RALPH AND CHARLES BRADEN #1	CAMBRIDGE	36.0 COLUMBIA GAS
812773	3405922752	107	RALPH AND CHARLES BRADEN #1	CAMBRIDGE	36.0 COLUMBIA GAS
812774	3405922752	103	RALPH AND CHARLES BRADEN #2	CAMBRIDGE	36.0 COLUMBIA GAS
812775	3405922752	107	RALPH AND CHARLES BRADEN #2	CAMBRIDGE	36.0 COLUMBIA GAS
812776	3405922656	103	RICH-OLIPHANT UNIT #1	SENCAVILLE	43.8 COLUMBIA GAS
812777	3405922656	107	RICH-OLIPHANT UNIT #1	SENCAVILLE	43.8 COLUMBIA GAS
812778	3405922750	103	ROBERT ACHAUER / RANDALL LARRICK #2	ADAMS	12.0 EAST OHIO GAS
812779	3405922750	107	ROBERT ACHAUER / RANDALL LARRICK #2	ADAMS	12.0 EAST OHIO GAS
812780	3405922750	103	ROBERT ACHAUER / RANDALL LARRICK #1	CAMBRIDGE	8.0 EAST OHIO GAS
812781	3405922750	107	ROBERT ACHAUER / RANDALL LARRICK #1	CAMBRIDGE	8.0 EAST OHIO GAS
812782	3405922754	103	WALTER AND DEANNA WICKER #1	ADAMS	18.0 EAST OHIO GAS
812783	3405922754	107	WALTER AND DEANNA WICKER #1	ADAMS	18.0 EAST OHIO GAS
812784	3405922745	103	WALTER AND MARY DZIEDZIC #1	SENCAVILLE	73.0 COLUMBIA GAS
812785	3405922745	107	WALTER AND MARY DZIEDZIC #1	SENCAVILLE	73.0 COLUMBIA GAS
812786	3405922647	103	WALTER AND MARY DZIEDZIC #1	SENCAVILLE	21.0 CONSOLIDATED ALUMINU
812787	3405922647	107	WALTER AND MARY DZIEDZIC #1	SENCAVILLE	21.0 CONSOLIDATED ALUMINU
812788	3405922655	103	WILMER TAYLOR #2	NEW CONCORD	17.0 CONSOLIDATED ALUMINU
812789	3405922655	107	WILMER TAYLOR #2	NEW CONCORD	17.0 CONSOLIDATED ALUMINU
812790	3405922655	103	WM C DUFF #1	ADAMS	27.8 COLUMBIA GAS TRANSPI
812791	3405922655	107	WM C DUFF #1	ADAMS	27.8 COLUMBIA GAS TRANSPI
812792	3405922655	103	WM E & VERA E SHIPA #1	SENCAVILLE	24.0 CONSOLIDATED ALUMINI
812793	3405922655	107	WM E & VERA E SHIPA #1	SENCAVILLE	24.0 CONSOLIDATED ALUMINI
812794	3405922655	103	WM F & VERA E SHIPA #1	SENCAVILLE	1.2 COLUMBIA GAS TRANSPI
812795	3405922655	107	WM F & VERA E SHIPA #1	SENCAVILLE	1.2 COLUMBIA GAS TRANSPI
812796	3405922655	103	WM ROBERT YUSCO JR #1	RYESVILLE	970.0 COLUMBIA GAS TRANSPI
812797	3405922655	107	WM ROBERT YUSCO JR #1	RYESVILLE	970.0 COLUMBIA GAS TRANSPI
812798	3405922655	103	WM ROBERT YUSCO JR #1	RYESVILLE	12.0 COLUMBIA GAS TRANSPI
812799	3405922655	107	WM ROBERT YUSCO JR #1	RYESVILLE	12.0 COLUMBIA GAS TRANSPI
812800	3405922655	103	FLORIAN LING #1	MONROE	
812801	3405922655	107	FLORIAN LING #1	MONROE	
812802	3405922655	103	ALFRED YODER #1	MECHANIC	
812803	3405922655	107	ALFRED YODER #1	MECHANIC	
812804	3405922655	103	L & F MCCSTELLER #4	MECHANIC	
812805	3405922655	107	L & F MCCSTELLER #4	MECHANIC	
812806	3405922655	103	RECEIVED: 04/27/81 JAC: CH		
812807	3405922655	107	RECEIVED: 04/27/81 JAC: CH		
812808	3405922655	103	ALBERT T MILLER #1	ERLIN	
812809	3405922655	107	ALBERT T MILLER #1	ERLIN	
812810	3405922655	103	PAUL FREY #1		
812811	3405922655	107	RECEIVED: 04/27/81 JAC: CH		
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812931	3405922655	107			
812932	3405922655	103			

WELL NAME	VOLUME #27	DATE	PLC	PLC	PLC
8127599	3408520256	103	TRESGER INC M COTTER #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127599	3408520256	107	TRESGER INC M COTTER #1	PAINESVILLE	30.0 EAST OHIO GAS CO
-EDCO DRILLING & PRODUCING INC	3403127772	103	FRY-34	PLERY	18.0
8127602	3408322833	103	KB-30 GREEN	HARRISON	18.0
8127601	3408322833	103	KB-4H GREEN	HARRISON	18.0
8127600	3408322834	103	RECEIVED: 04/27/81	PAINESVILLE	30.0 EAST OHIO GAS CO
-ENERGY DEVELOPMENT CORP	3407522507	103	SURMOLLEN WELL #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127606	3415123179	103	D ALLER UNIT WELL #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127603	3415123179	107	D ALLER UNIT WELL #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127605	3415123262	103	D OLFORD UNIT WELL #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127605	3415123262	107	D OLFORD UNIT WELL #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127604	3415123297	103	C MALAVITE WELL #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127604	3415123297	107	C MALAVITE WELL #1	PAINESVILLE	30.0 EAST OHIO GAS CO
-ENTERPRISE GAS & OIL INC	3405922781	103	PURRIS #2	PAINESVILLE	30.0 EAST OHIO GAS CO
8127612	3405922781	107	PURRIS #2	PAINESVILLE	30.0 EAST OHIO GAS CO
8127613	3405922781	103	ANDERSON #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127623	3405922781	107	ANDERSON #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127618	3405922669	103	DONCHUE #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127618	3405922669	107	DONCHUE #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127624	3405922669	103	GARTRELL #4-A	PAINESVILLE	30.0 EAST OHIO GAS CO
8127624	3405922669	107	GARTRELL #4-A	PAINESVILLE	30.0 EAST OHIO GAS CO
8127620	3405922669	103	GARTRELL #4-A	PAINESVILLE	30.0 EAST OHIO GAS CO
8127610	3405922633	103	KEENER #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127610	3405922633	107	KEENER #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127611	3405922710	103	L LARRICK #2	PAINESVILLE	30.0 EAST OHIO GAS CO
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8127612	3405922844	103	LARRICK #3	PAINESVILLE	30.0 EAST OHIO GAS CO
8127612	3405922844	107	LARRICK #3	PAINESVILLE	30.0 EAST OHIO GAS CO
8127609	3405922781	103	LEATHERWOOD VALLEY FARMS #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127609	3405922781	107	LEATHERWOOD VALLEY FARMS #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127607	3405922249	103	MARCHONIC #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127607	3405922249	107	MARCHONIC #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127608	3405922724	103	MCCORMACK #1	PAINESVILLE	30.0 EAST OHIO GAS CO
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8127634	3405922411	103	MOLISEE #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127634	3405922411	107	MOLISEE #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127635	3405922671	103	MOSSAGE #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127635	3405922671	107	MOSSAGE #1	PAINESVILLE	30.0 EAST OHIO GAS CO
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8127632	3405922627	103	PRESTON-NICKLES #2	PAINESVILLE	30.0 EAST OHIO GAS CO
8127632	3405922627	107	PRESTON-NICKLES #2	PAINESVILLE	30.0 EAST OHIO GAS CO
8127617	3405911953	103	PRESTON-NICKLES #3	PAINESVILLE	30.0 EAST OHIO GAS CO
8127617	3405911953	107	PRESTON-NICKLES #3	PAINESVILLE	30.0 EAST OHIO GAS CO
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8127620	3405922634	107	ROBERTS #2	PAINESVILLE	30.0 EAST OHIO GAS CO
8127615	3405922702	103	SAVAGE #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127615	3405922702	107	SAVAGE #1	PAINESVILLE	30.0 EAST OHIO GAS CO
8127625	3405922552	103	SHUGERT #2	PAINESVILLE	30.0 EAST OHIO GAS CO
8127625	3405922552	107	SHUGERT #2	PAINESVILLE	30.0 EAST OHIO GAS CO

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 11, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15036 Filed 5-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. CP81-311-000, CP76-254, CP77-274, and CP78-270]

Michigan Consolidated Gas Co. and ANR Storage Co.; Application

May 19, 1981.

Take notice that on April 3, 1981, Michigan Consolidated Gas Company (Consolidated) and ANR Storage Company (ANR), both of One Woodward Avenue, Detroit, Michigan 48226, filed in the above-captioned dockets, pursuant to Section 7(c) of the Natural Gas Act and § 1.7(c) of the Commission's rules of practice and procedure (18 CFR 1.7(c)) a joint application for the amendment of existing, and the issuance of new certificates of public convenience and necessity and for a declaratory order, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

First, Applicants propose a change in the method by which gas is transported to the Taggart Storage Field in Mecosta and Montcalm Counties, Michigan. It is stated that currently, gas destined for storage is received by Consolidated's Interstate Storage Division (ISD) from Michigan Wisconsin Pipe Line Company

(Michigan Wisconsin) at the Woolfolk and Willow Run delivery points, in Mecosta and Washtenaw Counties, Michigan respectively, and from Panhandle Eastern Pipe Line Company (Panhandle) at the River Rouge delivery point in Wayne County, Michigan, and that the gas is then transported through ISD's facilities and injected into the Taggart Storage Field. Applicants propose instead to inject locally produced gas from the Kalkaska areas in the northern part of the Lower Peninsula of Michigan into the Taggart field. This gas would displace an equivalent volume of gas that would otherwise be transported from Willow Run to Taggart. The displaced gas would instead be transported only as far as Milford Junction in Oakland County, Michigan where it would be delivered to Consolidated's Utility Division (UD), in lieu of the locally produced gas, and be ultimately consumed in the Detroit market area, it is asserted. Applicants request that the certificates issued in Docket Nos. CP76-254, CP77-274 and CP78-270 be amended accordingly.

Applicants state that this change in operations would result in a savings of compressor fuel for Consolidated's UD and ISD customers, and for ANR's storage service customers as well.

Second, Applicants propose that ANR lease from Consolidated and operate, in the modified manner described above, ISD's storage and transmission facilities, all of which are dedicated to interstate commerce and subject to the Commission's jurisdiction. In addition, inasmuch as the locally produced gas injected into the Taggart Storage Field and ultimately transported out of the State of Michigan would be delivered to Taggart through the 30-inch Kalkaska-to-Woolfolk pipeline, Applicants propose to dedicate that 77.3-mile pipeline to interstate commerce. The pipeline which is currently operated by UD is part of the lease property and would therefore be operated by ANR, it is indicated.

The lease of these facilities would be for a period of 25 years, with options for extensions thereafter. Consolidated would receive from ANR, as rent on the property, an amount equivalent to the return allowed on the property by the Commission, similar to that which Consolidated would have received if the property were not leased, plus an amount calculated to compensate Consolidated for depreciation, taxes and other expenses. In addition, the lease agreement has been structured (it is said) so that Consolidated would have the opportunity, but not the obligation, to furnish the capital necessary to

maintain and expand the capacity of the leased facilities.

The lease provides that ANR shall become the successor to ISD with regard to all of the storage and transportation services currently being rendered by ISD. Accordingly, applicants request that ANR be authorized to operate the leased facilities and render said storage and transportation services in place of ISD.

Applicants indicate that the lease arrangement would place under ANR, which is an entirely jurisdictional company, a fully integrated transmission and storage system which ANR would use for the present and future storage and transportation of gas. Applicants state that the lease would simplify the regulation of the services rendered through the facilities and enable ANR to plan and implement storage agreements with other companies in a more efficient manner than is currently the case.

Third, so that Consolidated would continue to have access to its local and interest gas supplies, Applicants propose that ANR be authorized to utilize the leased facilities to transport gas for Consolidated within the State of Michigan. To this end, Applicants show that they have entered into a transportation agreement which provides that ANR would transport up to 125,400,000 Mcf of natural gas per year for Consolidated to and from various delivery and redelivery points along the leased pipeline facilities. The agreement is for a period of 25 years with options for extensions thereafter. Consolidated would pay ANR \$411,409 per month for the transportation service.

Applicants state that the transportation agreement incorporates the change in the method of transporting local and interstate gas described above; and that in order to fully realize the fuel savings resulting therefrom, Applicants propose to dedicate the following UD facilities to interstate commerce: a 100.8-mile 24-inch pipeline between Taggart Junction and Milford Junction; a 16.6-mile 24-inch pipeline between Woolfolk and Taggart Junction; two 2.4-mile 24-inch pipelines between Taggart Junction and the Taggart Compressor Station; 9,000 horsepower of compression at the Taggart Compressor Station; and the Milford Junction Station. These facilities would be operated by ANR, under lease from Consolidated, with the current ISD facilities as an integrated whole.

Fourth, Applicants assert that inasmuch as it would continue to be necessary for Consolidated to increase or decrease deliveries of gas from its pipeline suppliers, Michigan Wisconsin

and Panhandle, in order to accomplish the delivery and redelivery of gas to and from ANR for the storage and transportation customers. Applicants have entered into an exchange agreement. It is indicated that pursuant to said agreement, Consolidated would accept deliveries of gas from Michigan Wisconsin and Panhandle, for the account of the storage and transportation customers, during the summer period, and redeliver equivalent volumes to ANR directly or by displacement. During the winter period, Michigan Wisconsin and Consolidated would continue to deliver gas to or for the account of the storage service customers as discussed above. Under the exchange agreement ANR would deliver equivalent volumes of gas through the leased facilities. The delivery and redelivery points involved are set forth in the exchange agreement.

Applicants maintain that the proposed exchange agreement is identical to that which currently exists between UD and ISD and with respect to which the Commission has not asserted jurisdiction over UD's facilities. Therefore, Applicants request that the Commission authorize ANR to exchange gas with Consolidated, but declare that Consolidated's intrastate facilities involved in said exchange continue to be exempt from Commission jurisdiction.

Finally, Applicants state that it is necessary to ensure that the existing non-jurisdictional gathering and processing facilities belonging either to Consolidated, or another Michigan gas distribution company, or their intrastate suppliers remain free of Commission jurisdiction. Applicants say that such non-jurisdictional facilities include the intrastate gas gathering and production facilities which are commonly referred to as the "Wet-Header System" and which are located in the northern part of the Lower Peninsula of Michigan. Applicants indicate that these facilities would continue to be used exclusively for the purpose of gathering and processing gas which would, by displacement, be distributed within the State of Michigan. Applicants further indicate that these facilities would continue to be regulated by the the Michigan Public Service Commission.

Accordingly, Applicants request that at such time as the Commission issues an order in this proceeding authorizing the proposals described herein, that it also determine that the "Wet-Header System" and associated processing facilities remain free from federal jurisdiction. Applicants further request: That the Commission declare that

certain of Consolidated's storage and associated transmission facilities continue to be exempt from the provisions of the Natural Gas Act; that certain gas reserves would not be made subject to the Natural Gas Act nor have their status under the Natural Gas Policy Act (NGPA) affected, in any way, by the proposals herein; that Consolidated's intrastate facilities involved in the exchange of gas with ANR would continue to be exempt from Commission jurisdiction; and that Consolidated's intrastate sales and transportation of natural gas, and the facilities used therefor, would continue to be exempt from the provisions of the Natural Gas Act under Section 1(c) thereof.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-15623 Filed 5-26-81; 6:45 pm]

BILLING CODE 6450-85-M

[Docket Nos. CP76-389 and CP79-277-006]

Northwest Pipeline Corp.; Amendment May 19, 1981.

Take notice that on April 23, 1981, Northwest Pipeline Corporation (Northwest), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket Nos. CP76-389 and CP79-277-006 and amendment to two petitions filed on January 5, 1981, and August 6, 1980 respectively, pursuant to Section 7(c) of the Natural Gas Act so as to defer for one year the proposed expansion of natural gas service pursuant to Northwest's Rate Schedule WS-1 (Winter Service), all as more fully set forth in the amendment on file with the Commission and open to public inspection.

Northwest states that the January 5, 1981, and August 6, 1980, filings contemplated the expansion of its Winter service capability available to Colorado Interstate Gas Company (CIG) from 60,000 Mcf per day and 6,000,000 Mcf seasonally to 135,000 Mcf per day and 20,250,000 Mcf seasonally commencing with the 1981-1982 heating season.

CIG has indicated in a letter to Northwest dated March 19, 1981, that its purchase of expanded Winter Service gas from Northwest was dependent in part on the construction during 1981 of certain new facilities which were a part of the Trailblazer Project. It is asserted that the Commission has yet to authorize the construction and operation of such facilities and CIG indicates that the required construction of facilities cannot be completed prior to the 1982-1983 heating season. Therefore, asserts Northwest, it has become necessary to defer the initiation of the increased level of service to CIG.

The total cushion gas requirements for the 1982-83 heating season have been revised somewhat since the January 6, 1981, filing in CP76-389 and are now proposed to be as follows:

	Volume (Mcf at 14.73 psia)
Base Cushion Gas.....	25,300,000
Replacement of recoverable Native Gas.....	5,400,000
Cushion Gas to support El Paso Natural Gas Co.'s participation in Clay Basin.....	5,000,000
Subtotal.....	35,700,000
Additional Cushion Gas required to support expanded winter service.....	11,000,000
Total Cushion Gas required.....	46,700,000

The estimated cost of the additional cushion gas is \$39,740,186 which would be financed from funds on hand or

short-term borrowings pending a permanent form of financing.
As a result of deferring the expansion

of Winter Service for one year, the allocation of Winter Service would now be as follows:

Customer	Volume			
	Therms		Mcf at 14.73 psia	
	Daily	Seasonal	Daily	Seasonal
1981-82 season:				
Colorado Interstate Gas Co	630,800	63,060,000	60,000	6,000,000
Washington Natural Gas Co	157,650	15,765,000	15,000	1,500,000
Mountain Fuel Supply Co				
Total	788,250	78,825,000	75,000	7,500,000
1982-83 through 1988-89 season:				
Colorado Interstate Gas Co	1,418,850	212,827,500	135,000	20,250,000
Washington Natural Gas Co	157,650	15,765,000	15,000	1,500,000
Total	1,576,500	228,592,500	150,000	21,750,000

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15624 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-95-M

[Docket Nos. CP76-278-001, CP77-568-009]

Natural Gas Pipeline Co. of America, et al.; Petition To Amend

May 19, 1981.

Take notice that on May 5, 1981, Natural Gas Pipeline Company (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-278-001 a petition to amend the order of June 26, 1980, issued in said docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the delivery of natural gas at an additional delivery point and Natural and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP77-568-009 a petition to amend the order of November 29, 1977, as amended, in said docket so as to authorize the delivery

and exchange of gas at an additional delivery point, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

By order of June 28, 1980, Natural was granted authorization in Docket No. CP76-278-000 to transport up to 27,000 Mcf of natural gas per day for Columbia Gas Transmission Corporation (Columbia) and up to 15,000 Mcf of natural gas per day for Texas Eastern from a point of receipt of the gas at the production platform of Kerr-McGee Corporation in West Cameron Block 543, offshore Louisiana (WC 543), to a point of delivery of such gas through Natural's existing 16-inch pipeline to Trunkline Gas Company for the accounts of Columbia and Texas Eastern at the point of connection with the offshore pipeline of Stingray Pipeline Company (Stingray) in West Cameron Block 565, offshore Louisiana (WC 565), pursuant to the terms of a transportation agreement dated January 28, 1976, between the parties, which agreement is on file with the Commission as Rate Schedule X-63 of Natural's FERC Gas Tariff, Second Revised Volume No. 2, it is stated. In order to receive a new supply of gas which it purchased from WC Block 522, Texas Eastern indicates that it would construct a pipeline from the production platform in WC 522 to an existing subsea tap on Natural's 16-inch pipeline in WC 543 pursuant to its current budget-type certificate authorization issued in Docket No. CP80-8. Pursuant to the terms of a transportation agreement dated September 15, 1980, which amends the original transportation agreement dated January 28, 1976, between the parties, Natural proposes under Docket No. CP76-278-001 to transport the additional WC 522 supplies (up to 15,000 Mcf of natural gas per day) through its 16-inch pipeline from the proposed additional delivery point to be built by Texas

Eastern in WC 543 and to deliver the gas to Stingray's Pipeline in WC 565. The petition states that said transportation service would be provided subject to availability of capacity sufficient to provide the service without detriment to existing customers, and that upon delivery of these additional volumes at WC 565, Texas Eastern and Natural would exchange equivalent quantities of gas pursuant to the terms of an amendatory exchange agreement dated August 20, 1980.

By order of November 29, 1977, as amended, in Docket No. CP77-568, Texas Eastern and Natural were granted authorization to transport and exchange up to 40,000 Mcf of natural gas per day from Vermilion Block 262 and WC Blocks 437, 537, 551, 552 and 593, offshore Louisiana, pursuant to the terms of a transportation and exchange agreement dated July 22, 1977, as amended, between Texas Eastern and Natural, which agreement is on file with the Commission as Rate Schedule X-85 of Texas Eastern's FERC Gas Tariff, Original Volume No. 2, and as Rate Schedule X-89 of Natural's FERC Tariff, Second Revised Volume No. 2, it is said. In order to receive a new supply of gas which it has purchased from WC Blocks 552 and 560, it is stated that Texas Eastern has filed jointly with five other parties in Docket No. CP81-120 for authorization to construct pipeline facilities from WC 560 to a subsea tap on Stingray's pipeline in WC 537. Accordingly, Natural and Texas Eastern request authorization herein to transport and deliver under authorization in Docket No. CP77-568-009 gas produced in Blocks 552 and 560 to an existing point of receipt in Block 537, pursuant to the terms of an amendatory exchange agreement dated August 20, 1980, and March 19, 1980, to the existing exchange agreement.

Volume of gas produced from WC 522, 552 and 560 would not necessitate an increase in the maximum volumes of gas presently authorized to be exchanged, it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants

parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15625 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4582-000]

Palo Verde Irrigation District; Application for Preliminary Permit

May 19, 1981.

Take notice that Palo Verde Irrigation District (Applicant) filed on April 23, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 4582 to be known as Palo Verde Hydroelectric Project located at the United States Department of the Interior, Water and Power Resources Service's (WPRS) Palo Verde Dam on the Colorado River in Riverside County, California. The application is on file with the Commission and is available for public inspection.

Correspondence with the Applicant should be directed to: Messrs. Dana B. Fisher and Virgil Jones, President and Manager, respectively, Palo Verde Irrigation District, P.O. Box 1199, Blythe, California 92226. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of a powerhouse containing four generating units with a total rated capacity of 9,000 kW and appurtenant facilities.

The Applicant estimates that the average annual energy output would be 50 million kWh.

Purpose of Project—Project energy would be sold to a public utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 24-month permit to prepare a project report including preliminary designs, and results of environmental and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the WPRS and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be \$80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Project No. 3699 filed on November 4, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 23, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of

application for preliminary permit for Project No. 4582. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208, RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15626 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 67-005]

Southern California Edison Co.; Application for Amendment of License

May 19, 1981.

Take notice that the Southern California Edison Company (SCE) filed on February 9, 1981, an application for an amendment of license (pursuant to the Federal Power Act and Article 33 of its license) for its constructed Big Creek No. 2A and No. 8 Project, FERC Project No. 67. The project is located on the South Fork San Joaquin River and Big Creek in Fresno County, California. Correspondence with the Applicant should be directed to: Ms. Jennifer Moran, Attorney, Southern California Edison Company, P.O. Box 800, Rosemead, California 91770.

Project Description—SCE has filed a revised recreation plan (Exhibit R) and revised project maps (Exhibit K drawings). The Exhibit R includes proposals for facility development primarily at Florence and Shaver Lakes and Mono Creek Diversion that include camping, boat launching, parking, picnicking, day-use units, and administrative facilities. The previously proposed 100 unit campground on the North Fork San Joaquin River, near Florence Lake, would be moved to a more suitable location farther south. A previously proposed 425 unit day-use area at Shaver Lake, between Stevens Creek and North Fork Stevens Creek, has been deleted and the proposed facilities dispersed to other existing areas around the lake. Camp Edison, at Shaver Lake, would be expanded by the addition of 50 campsites, 25 of which

would be designed for winter camping to accommodate recreationists who want to participate in winter sports and related activities that are available in the area. The Exhibit K drawings show a revised project boundary encompassing all project recreational areas.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR, § 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be filed on or before July 8, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 67-005. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208, RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15627 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF80-28]

Stieren Farms; Application for Commission Certification of Qualifying Status as a Cogeneration Facility

May 19, 1981.

On May 5, 1981, Stieren Farms of Galesburg, Illinois filed with the Federal Energy Regulatory Commission (Commission) an amendment to its original application, filed on September 26, 1980, to be certified as a cogeneration facility pursuant to § 292.207 of the Commission's rules.

The proposed facility will be located in Northern Montgomery County, Illinois and will be owned entirely by the applicant, a family partnership. The facility will be a topping-cycle cogeneration facility with an installed capacity of 500 kilowatts. The applicant states that the primary energy source of the facility is methane gas from an abandoned coal mine. The reject heat from the power production process will be used either in a commercial greenhouse or for the heating, ventilation and cooling of an on-site hog confinement feeding center.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests must be filed on or before June 11, 1981, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15628 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP77-108-013, etc.]

Transcontinental Gas Pipe Line Corporation, et al; Filing of Pipeline Refund Reports and Refund Plans

May 19, 1981.

Take notice that the pipelines listed in the Appendix below have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of

filing are also shown on the Appendix below.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 3, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
4/2/81.	Transcontinental Gas Pipe Line Corporation.	RP77-108-013.	Report.
5/4/81.	Consolidated Gas Supply Corporation.	RP72-157-043.	Report.
5/8/81.	Columbia Gas Transmission Corporation.	TA80-120-004.	Report.
5/11/81.	Detrigas of Massachusetts Corporation.	CP77-216-007.	Report.

[FR Doc. 81-15629 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-310-000]

United Gas Pipe Line Co.; Application

May 19, 1981.

Take notice that on April 29, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-310-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that a segment of its system in Polk, Angelina, Nacogdoches, Rusk, Shelby, and Panola Counties, Texas (the Carthage-Goodrich Area), is operated so that gas entering it cannot leave the state of production. The gas supplies that are consumed on this segment enter it from Applicant's general interstate system and from purchases from producers located along the segment itself. The application states that most of Applicant's facilities on the segment have been subject to the Commission's jurisdiction inasmuch as such facilities are used to transport and sell gas in interstate commerce, i.e., to deliver to customers on the segment gas

from outside the State of Texas or gas which has been commingled with such gas; however, other facilities on the segment are not certificated because heretofore they have not been used to perform any jurisdictional service, i.e., neither does gas flow from such facilities into interstate commerce nor is gas from outside Texas or gas commingled with such gas transported through the facilities.

Due to its gas purchase activities, Applicant asserts, it anticipates that the operational requirements on this segment will change. Applicant states that it is now actively engaged in negotiations that it anticipates will lead to the acquisition of significant new gas supplies. As a result of such acquisitions, the volumes of producer supplies connected to this segment may exceed volumes needed for deliveries there. Moreover, it is stated, Southland Paper Mills, Inc., is Applicant's largest user of fuel in the area and when its plant is temporarily closed for maintenance purposes, there will be substantial volumes in excess of the needs of other customers on this segment. In order to make this gas available outside the segment under such circumstances, Applicant proposes to change its method of operations on the segment so that gas can be delivered from the segment into Applicant's general pipeline system.

Applicant requests authorization to operate in interstate commerce those gas supply facilities, other than gathering facilities, that are used to transport gas from the points of purchase to Applicant's certificated facilities.¹ Applicant states that it is unable to state with certainty when it will be necessary to change the operation of its Carthage-Goodrich system to permit gas from such system to flow in interstate commerce, since precise information on the timing and flows of its new purchases is not currently available.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will

not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Field purchase point	Seller	Gas purchase contract No.
Damascus	Woolf & Magee, Inc.	2768
Cameron Hamill	Cotton Petroleum Corporation	7108
Allentown	Pennzoil Producing Company	2659
Nacogdoches	Jones-O'Brien, Inc.	6509
Garrison	Bass Enterprises Production Company	6444
Garrison	Grace Petroleum Corporation	7157
Northeast Timpson	Pitts Oil Company	6170
Tenaha	Teal Petroleum Corporation	6076
Tenaha	Hou-Tex Oil & Gas Company	6979
New Summerfield	Amoco Production Company	6867

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15630 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4508-000]

Utah Power & Light Co.; Application for Preliminary Permit

May 19, 1981.

Take notice that Utah Power & Light Company (Applicant) filed on April 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 4508 to be known as Joes Valley Dam located on Seely Creek in Emery County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the

Applicant should be directed to: Mr. Sidney G. Baucom, Executive Vice President & General Counsel, 1407 West North Temple, Salt Lake City, Utah 84116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Joes Valley Dam and would consist of: (1) A powerhouse containing two generating units with rated capacities of 1.2 and 1.3 MW, respectively; (2) a tailrace; (3) six miles of 12-kV transmission line; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 7.6 million kWh.

Purpose of Project—The energy generated by the proposed project would be sold to customers of Utah Power & Light Company.

Proposed Scope and Cost of Studies Under Permit—The proposed term of the preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates the cost of studies to be \$15,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it

¹ The facilities for which Applicant seeks authorization to operate are those to receive gas in the following purchases:

will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corporation's Project No. 3824 submitted on December 4, 1980; under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 19, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4508. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-15631 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Cases Filed; Week of May 1 Through May 8, 1981

During the week of May 1 through May 8, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,
Director, Office of Hearings and Appeals.

May 20, 1981.

List of Cases Received by the Office of Hearings and Appeals

[Week of 1 May Through May 8, 1981]

Date	Name and location of applicant	Case No.	Type of submission
May 1, 1981	Ashland Oil, Inc., Washington, D.C.	BER-0124	Request for Modification. If granted: The Decision and Order in <i>Atlantic Richfield Co.</i> , 7 DOE ¶ 82, 555 (February 27, 1981) granting discovery to five firms in connection with their statements of Objections to the February 11, 1980 Proposed Decision issued to Ashland Oil Co. would be modified.
May 1, 1981	Little America Refining Company, Washington, D.C.	BET-0110	Request for Temporary Stay. If granted: Little America Refining Company would receive a temporary stay of the April 27, 1981 Decision and Order (Case No. BEO-0110) issued to Asamera Oil (U.S.) Inc. regarding the release to Asamera of confidential information relating to Little America Refining Company's crude oil costs.
May 1, 1981	Navajo Refining Company, Dallas Texas	BYX-0204	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Navajo Refining Company during its fiscal year ended January 31, 1981 to determine whether the level of relief accorded the firm was appropriate.
May 4, 1981	Champlin Petroleum Company, Fort Worth, Texas	BER-0126	Request for Modification. If granted: The April 21, 1981 Decision and Order (Case No. BRX-0147) issued to Champlin Petroleum Company by the Office of Hearings and Appeals would be modified.
May 4, 1981	Conoco, Inc., Washington, D.C.	BEH-0023	Motion for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections filed by Conoco, Inc. in response to the December 21, 1979 Proposed Decision and Order issued to Union Oil Company of California (Case No. DEE-5748).
May 4, 1981	Garland Exxon, Washington, D.C.	BRW-0096	Proposed Remedial Order Finalization. If granted: The Proposed Remedial Order issued to Garland Exxon on December 1, 1980 would be issued as a final Remedial Order.
May 4, 1981	Isthmus Trading Corporation, Washington, D.C.	BEG-0055, BES-0152, BET-0152	Petition for Special Redress; Request for Stay; Request for Temporary Stay. If granted: The subpoena duces tecum issued to Isthmus Trading Corporation by the Department of Energy on March 24, 1981 would be quashed. The firm's obligation to respond to the subpoena would be stayed pending a final determination on the merits of its Petition for Special Redress.
May 4, 1981	Miller & Chevalier, Washington, D.C.	BFA-0067	Appeal of Information Request Denial. If granted: The April 1, 1981 Information Request Denial issued by the Office of Special Counsel would be rescinded and Miller & Chevalier would receive access to information held by the DOE relating to the pricing practices of Exxon Company, U.S.A.
May 4, 1981	San Joaquin Refining Company, Inc., Newport Beach, California	BYR-0125	Request for Modification. If granted: The April 20, 1981 Decision and Order (Case No. DEX-0201) issued to San Joaquin Refining Company, Inc. by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.
May 5, 1981	Caribou Four Corners, Inc., Afton, Wyoming	BYR-0129	Request for Modification. If granted: The April 20, 1981 Decision and Order (Case No. BEX-0082) issued to Caribou Four Corners, Inc. by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.

List of Cases Received by the Office of Hearings and Appeals—Continued

Date	Name and location of applicant	Case No.	Type of submission
May 5, 1981	Kern County Refinery, Inc., Bakersfield, California	BYR-0128	Request for Modification. If granted: The April 20, 1981 Decision and Order (Case No. BEX-0083) issued to Kern County Refinery, Inc. by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.
May 5, 1981	La Gloria Oil & Gas Company, Washington, D.C.	BEN-1653	Request for Interim Order. If granted: La Gloria Oil & Gas Company would receive exception relief on an interim basis pending a final determination on its Application for Exception (Case No. BEE-1653).
May 5, 1981	Laketon Asphalt Refining, Inc., Washington, D.C.	BYR-0130	Request for Modification. If granted: The April 20, 1981 Decision and Order (Case No. DEX-0053) issued to Laketon Asphalt Refining, Inc. by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.
May 5, 1981	Office of Enforcement (Exxon), Washington, D.C.	BRZ-0098	Request for Interlocutory Order. If granted: The Notices of Objections and the Statements of Objections of Gulf Oil Corporation, Chevron USA, Inc., and American Petrofina would be stricken from the record and the firms would be barred from participation in the proceedings in Case No. BRO-1271.
May 5, 1981	Office of Special Counsel (Mobil), Washington, D.C.	BRD-0118	Motion for Discovery. If granted: Discovery would be granted to the Office of Special Counsel in connection with Mobil Oil Corporation's Statement of Objections to the Proposed Remedial Order (Case No. BRO-1148) issued to the firm.
May 5, 1981	Saint George Oil Corporation, Los Angeles, California	BEX-0205	Request for Supplemental Order. If granted: The April 30, 1981 Decision and Order (Case No. DEE-3489) issued to Saint George Oil Corporation would be rescinded.
May 6, 1981	Edgington Oil Company, Inc., Washington, D.C.	BYR-0131, BYR-0132, BYR-0133, BES-0153, BES-0154, BES-0155	Requests for Modification or Rescission and Requests for Stay. If granted: The April 20, 1981 Decision and Order (Case Nos. DEX-0060, DEX-0160 and BEX-0042) issued to Edgington Oil Company, Inc. would be modified with respect to the firm's entitlements purchase obligations. The entitlements purchase obligations ordered in the April 20 Decision would be stayed pending a final determination on the firm's requests for modification.
May 6, 1981	Office of Enforcement (T-C Oil), Washington, D.C.	BEF-0047	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the July 6, 1979 Consent Order entered into with T-C Oil Company.
May 7, 1981	Asamera Oil (U.S.) Inc., Washington, D.C.	BEX-0206	Supplemental Order. If granted: The April 27, 1981 Decision and Order (Case No. BED-0110) issued to Asamera Oil (U.S.) Inc. would be modified.
May 7, 1981	Beacon Oil Company, Washington, D.C.	BEX-0207	Request for Supplemental Order. If granted: The April 22, 1981 Proposed Decision and Order (Case No. DEX-0153) issued to Beacon Oil Company would be modified.
May 7, 1981	Dames and Moore, Burlington, Massachusetts	BFA-0668	Appeal of Information Request Denial. If granted: The April 8, 1981 Information Request denial issued by the Deputy Regional Representative, Region I would be rescinded and Dames and Moore would receive access to a copy of the winning proposal for Contract RFQ DE-AC41-81R110826.
May 7, 1981	Kern County Refinery, Inc., Bakersfield, California	BYR-0134	Request for Modification. If granted: The April 22, 1981 Decision and Order (Case No. DEX-0195) issued to Kern County Refinery, Inc. by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.
May 7, 1981	Laketon Asphalt Refining, Inc., Washington, D.C.	BYR-0136	Request for Modification. If granted: The April 22, 1981 Decision and Order (Case No. BEX-0062) issued to Laketon Asphalt Refining, Inc. by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.
May 7, 1981	Young Refining Corporation, Washington, D.C.	BYR-0135	Request for Modification. If granted: The April 22, 1981 Decision and Order (Case No. DEX-0104) issued to Young Refining Corporation by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.
May 8, 1981	Amoco Oil Company, Chicago, Illinois	BET-0022	Request for Temporary Stay. If granted: Amoco Oil Company would receive a temporary stay of the April 27, 1981 Decision and Order issued to Asamera Oil (U.S.) Inc. (Case No. BED-0110) regarding the release to Asamera of confidential information relating to Amoco's crude oil costs.
May 8, 1981	Burnham & Kohutek Associates, Inc., El Paso, Texas	BFA-0669	Appeal of Information Request Denial. If granted: The April 20, 1981, Information Request Denial issued by the Freedom of Information Officer of the Bonneville Power Administration would be rescinded and Burnham & Kohutek Associates, Inc. would receive access to the winning proposal and evaluation scores for Contract REP DE-RP79-81BP23948.

Notices of Objection Received

[Week of May 1, 1981 to May 8, 1981]

Date	Name and location of applicant	Case No.
May 1, 1981	Beacon Oil Company, Hanford, California	BEE-1647.
May 7, 1981	Chevron USA, Inc., Washington, D.C.	BEE-1632.

[FR Doc. 81-15738 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed; Week of April 27 Through May 1, 1981

During the week of April 27 through May 1, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with

the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after

publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed

on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.
May 20, 1981.

Barbaria Shell Service, San Francisco, CA, BRO-1442, motor gasoline

On May 1, 1981, Barbaria Shell Service, 710 El Camino Real, So. San Francisco, CA 94080 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 to November 13, 1979, Barbaria Shell Service committed pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the Barbaria Shell Service violation resulted in \$1,005.82 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Bob's Broadway, Santa Ana, CA, BRO-1443, motor gasoline

On May 2, 1981, Bob's Broadway, 220 W. 17th Street, Santa Ana, CA 92706 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 28, 1981. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 to May 7, 1980, Bob's Broadway committed pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the Bob's Broadway violation resulted in \$19,996.74 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Chips Chevron Service, Jamestown, CA, BRO-1438, motor gasoline

On May 1, 1981, Chips Chevron Service, 18151 Highway 108, P.O. Box 212, Jamestown, CA 95327 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 to January 6, 1981, Chips Chevron Service committed pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the Chips Chevron Service violation resulted in \$25,256.44 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Franks Airport Chevron, San Francisco, CA, BRO-1436, motor gasoline

On May 1, 1981, Franks Airport Chevron, 300 So. Airport Blvd., So. San Francisco, CA

94060 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 to November 13, 1979, Franks Airport Chevron committed pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the Franks Airport Chevron violation resulted in \$3,413.61 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Half Moon Bay Exxon, Half Moon Bay, CA, BRO-1441, motor gasoline

On May 1, 1981, Half Moon Bay Exxon, 120 San Mateo Rd., Half Moon Bay, CA 94019 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 to October 23, 1979, Half Moon Bay Exxon committed pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the Half Moon Bay Exxon violation resulted in \$10,180.18 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Kent Brooks Chevron, San Jose, CA, BRO-1437, motor gasoline

On May 1, 1981, Kent Brooks Chevron, 1971 Camden Ave., San Jose, California filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the Proposed Remedial Order the Western District found that during the period June 1, 1980 to November 30, 1980, Kent Brooks Chevron committed pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the Kent Brooks Chevron violation resulted in \$15,673.80 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Lee Kreger's Chevron, San Jose, CA, BRO-1434, motor gasoline

On May 1, 1981, Lee Kreger's Chevron, 1699 Saratoga-Sunnyvale Rd., San Jose, CA 95129 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the Proposed Remedial Order the Western District found that during the period June 1, 1980 to November 26, 1980, Lee Kreger's Chevron committed pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the Lee Kreger's Chevron violation resulted in \$9,741.45 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Lombard Chevron Service, San Francisco, CA, BRO-1435, motor gasoline

On May 1, 1981, Lombard Chevron Service, 1790 Lombard St., San Francisco, CA 94123 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 to January 11, 1980, Lombard Chevron Service committed pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the Lombard Chevron Service violation resulted in \$4,662.63 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

San Bruno Shell, San Bruno, CA, BRO-1439, motor gasoline

On May 1, 1981, San Bruno Shell, 798 El Camino Real, San Bruno, CA 94066 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 to November 13, 1979, San Bruno Shell committed pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the San Bruno Shell violation resulted in \$3,717.24 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Steve's Exxon, Livermore, CA, BRO-1440, motor gasoline

On May 1, 1981, Steve's Exxon, 1253 Portola Avenue, Livermore, CA 94550 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 to November 13, 1979 Steve's Exxon committed pricing violations in the State of California.

According to the PRO the Steve's Exxon violation resulted in \$5,470.30 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

[FR Doc. 81-15739 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-01-M

Office of the Special Counsel for Compliance

Conoco, Inc.; Proposed Remedial Order and Opportunity for Objection

AGENCY: Department of Energy.

ACTION: Proposed remedial order to Conoco, Inc., and opportunity for objection.

I. Introduction

Pursuant to 10 CFR § 205.192, the Office of Special Counsel, of the Economic Regulatory Administration

(ERA), Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order issued to Conoco Inc., Stamford, Connecticut. In accordance with that section, a copy of the Proposed Remedial Order with confidential information, if any, deleted, may be obtained from the ERA.

II. The Proposed Remedial Order

Conoco is a refiner engaged in the production of crude oil, in refining, and in the marketing of petroleum products subject to DOE regulations. DOE regulations in effect prior to January 28, 1981, required that a decrease in the quality of an item or substantially the same item marketed by a refiner be accompanied by a price decrease.

On June 7, 1973, Conoco reduced the octane numbers of the regular and premium motor gasoline produced at its Lake Charles, Louisiana refinery. Conoco reduced regular gasoline to 89.0 octane from 90.0 octane and premium gasoline to 95.0 octane from 96.0 octane.

Conoco did not adjust its selling prices for regular and premium gasoline on sales of these products to reflect the reductions in octane. As a result, Conoco charged to the affected customers, or banked for subsequent pass-through, \$6,947,712.00 in excess of the amounts permitted under the regulations for the period June 7, 1973 through December 1980.

The DOE proposes that Conoco be required to refund \$6,947,712.00 to Conoco's Lake Charles customers within thirty (30) days of the effective date of a final Remedial Order.

III. Notice of Objection

In accordance with 10 CFR 205.193, any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearings and Appeals within fifteen (15) days after the date of this publication. A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Department of Energy, Office of Hearings and Appeals, 2000 M Street, Northwest, Washington, D.C. 20461.

No confidential information shall be included in a Notice of Objection.

Requests for copies of the Proposed Remedial Order with confidential information deleted should be directed

to: Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Room 1E-190, Washington, D.C. 20850.

Issued in Washington, D.C. May 12, 1981.

Avrom Landesman,

Acting Special Counsel for Compliance.

[FR Doc. 81-15734 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-01-M

Conoco, Inc.; Proposed Remedial Order and Opportunity for Objection

AGENCY: Department of Energy.

ACTION: Proposed remedial order to Conoco, Inc., and opportunity for objection.

I. Introduction

Pursuant to 10 CFR 205.192, the Office of Special Counsel of the Economic Regulatory Administration (ERA), Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order issued to Conoco Inc., Stamford, Connecticut. In accordance with that section, a copy of the Proposed Remedial Order with confidential information, if any, deleted, may be obtained from the ERA.

II. The Proposed Remedial Order

Conoco Inc., is a refiner engaged in the production of crude oil, in the refining of covered products, and in the marketing of petroleum products. Conoco was therefore subject to the DOE regulations in effect prior to January 28, 1981. Under these regulations the initial step in ascertaining the maximum allowable price for a covered product is the determination of the weighted average May 15, 1973 selling price to the class of purchaser concerned. "Class of purchaser" is defined as a purchaser "to whom a person has charged a comparable price for comparable property or service pursuant to customary price differentials between that purchaser and other purchasers." Price is defined as consideration for the sale of property or services.

Conoco historically determined prices for its Reseller-Sales in Washington, Tennessee, Minnesota, and Wisconsin, with respect to gasoline, and in Alabama, Georgia and Virginia, with respect to No. 2 oils on a terminal by terminal basis. Customary price differentials between purchasers were maintained on this basis. Nonetheless, Conoco improperly placed its Reseller-Sales customers of these products in these states into statewide classes of purchaser and established statewide May 15, 1973 selling prices for gasoline and No. 2 oils. Further, Conoco

improperly included state inspection fees, charged to purchasers of No. 2 oils in Tennessee and Alabama, in its May 15, 1973 price computations for these states.

As a result, Conoco overstated its maximum allowable prices for these products and either charged affected customers or banked for subsequent pass-through \$399,827.48 in excess of the amounts permitted under the regulations for the period September 1973 through December 1980.

The DOE proposes that Conoco be required to refund \$399,827.48 to Conoco's Reseller Sales customers within thirty (30) days of the effective date of a final Remedial Order.

III. Notice of Objection

In accordance with 10 CFR 205.193, any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearings and Appeals within fifteen (15) days after the date of this publication. A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Department of Energy, Office of Hearings and Appeals, 2000 M Street, Northwest, Washington, D.C. 20461.

No confidential information shall be included in a Notice of Objection.

Requests for copies of the Proposed Remedial Order with confidential information deleted should be directed to: Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Room 1E-190, Washington, D.C. 20850.

Issued in Washington, D.C. May 12, 1981.

Avrom Landesman,

Acting Special Counsel for Compliance.

[FR Doc. 81-15733 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-01-M

Action on Consent Order With the Coastal Corp.

AGENCY: Department of Energy (DOE).

ACTION: Adoption of proposed consent order as final.

SUMMARY: The Office of the Special Counsel for Compliance (OSC) hereby gives the notice required by 10 CFR 205.299] that it has adopted the Consent

Order with The Coastal Corporation (Coastal), executed on January 14, 1981 and published for comment in 46 FR 8098 on January 26, 1981, as a final order of DOE. The Consent Order resolves all issues of compliance with the DOE Petroleum Price and Allocation Regulations, with the exceptions set forth in the Consent Order, for the period August 19, 1973 through October 31, 1980. To remedy any violations that may have occurred during the period, Coastal has agreed to refunds totalling \$17.5 million.

As required by the regulation cited above, OSC received comments on the Consent Order for a period of not less than 30 days following publication of the notice cited above. Eleven comments were received by February 25, 1981, the thirtieth day following publication of the notice of the proposed Consent Order. Three comments were received after that deadline. OSC has considered all comments, including those that were filed late, and determined that the Consent Order should be made final without modification. The Consent Order is effective as an order of the DOE on the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Leslie Wm. Adams, Deputy Solicitor to the Special Counsel for Compliance, Department of Energy, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461 (202) 633-9165.

Copies of the Consent Order may be received free of charge by written request to: Coastal Consent Order Request, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, NW., Room 3109, Mail Stop 4111, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Room 1E-190, Washington, D.C.

SUPPLEMENTARY INFORMATION:

The Consent Order

On January 26, 1981 OSC published notice in the *Federal Register* at page 8098, announcing the execution of a Consent Order between Coastal and OSC. In compliance with DOE regulations, that notice, and a press release issued on January 21, 1981, summarized the Consent Order and the facts behind it. The notice and press release also gave instructions for obtaining copies of the Consent Order.

The Consent Order can be summarized as follows:

1. The Consent Order marks the conclusion of OSC's audit of Coastal's

compliance with the Mandatory Petroleum Price and Allocation Regulations, including the entitlements and mandatory oil import programs, for the period August 19, 1973 through October 31, 1980 (The audit period). With the exception of the matters excluded from the settlement in the Consent Order, the Consent Order resolves all civil issues not previously resolved concerning the allocation and sale of covered products during the audit period.

2. To resolve the issues raised by OSC's audit of Coastal and to remedy any violations that may have occurred during the audit period, Coastal has agreed to approximately \$317.5 million in remedies, consisting of \$17.5 million in refunds to Coastal's customers and a reduction in Coastal's unrecovered increased costs of approximately \$300 million.

3. Under the refund provisions of the Consent Order, Coastal will refund up to \$12.5 million to certain of its large volume end/user customers within thirty days of the effective date of the Consent Order and will hold the balance of the \$17.5 million in a constructive fund for twelve months from the effective date of the Consent Order. The constructive fund will be used to pay judgments obtained, and settlements negotiated, by Coastal customers that do not receive a refund from the \$12.5 million fund.

4. Effective October 31, 1980, Coastal will reduce its "banks" of unrecovered increased costs for motor gasoline to \$75 million and its banks of unrecovered increased costs for propane to \$25 million. This reduction represents a decrease of approximately \$300 million in Coastal's banked costs.

5. The Consent Order also provides details concerning the conclusion of the audit and procedures concerning enforcement of the provisions of the Consent Order. These matters include Coastal's obligation under DOE record keeping regulations and DOE's obligation to maintain the confidentiality required by law of proprietary data received from Coastal. The Consent Order also provides that Coastal has waived its right to an administrative or judicial appeal of the Consent Order. The Consent Order does not constitute an admission by Coastal, or a finding by OSC, of a violation of any federal petroleum price and allocation statutes or regulations.

Comments Received

As noted above, OSC received a total of fourteen comments on the proposed Coastal Consent Order. Twelve of the comments, all of which were addressed specifically to this Consent Order, were

filed by or on behalf of various customers, including utilities, regulated transportation companies and independent marketers of petroleum products, of Coastal or its subsidiaries. A law firm accounted for five of these comments by filing separate, but virtually identical, comments on behalf of five independent marketers of products purchased from Coastal. In addition, two organizations, the Transportation Group and the National Consumer Law Center, submitted comments that while generally addressed to all nine of the Consent Orders published for comment on January 26, 1981, raised issues pertinent to, or commented on features present in, this Consent Order.

The Transportation Group is an organization representing four trade associations—the Air Transport Association of America, Inc., the American Bus Association, the American Trucking Association, Inc., and the Association of American Railroads—whose members are major consumers of refined petroleum products. The Transportation Group indicated in its comments its approval of OSC's enforcement efforts and the settlement process that resulted in the Consent Orders announced in the January 26, 1981 *Federal Register* notices. The organization also expressed the following concerns regarding the nine Consent Orders: OSC should endeavor to identify overcharged purchasers or categories of purchasers in order to provide for direct refunds or payments based volumetrically on the amount of petroleum products purchased; transportation firms should receive a larger share of the refunds than they have heretofore; and OSC should provide additional information concerning refund amounts and methods of refund computation.

The Department's aim in structuring remedies is to achieve some form of restitution. In its enforcement actions, the Department attempts to identify individual purchasers or classes or types of purchasers, to the maximum extent possible, and to implement restitutionary remedies.

The audits, however, do not ordinarily result in the identification of specific customers who may have been overcharged for several reasons. First, audits are necessarily conducted on a sample basis and, as such, may not focus on specific purchasers, even where they generally identify aggregate violations regarding specific products to classes of purchasers. Second, these audits focus predominantly on "cost violations" and because of the nature of

the regulations, would require tracing the violation to specific product sales, a difficult task. Third, these violations occurred as much as seven years ago, and given the mobility within the distribution chain, it would be extremely difficult to identify and locate injured customers. Finally, purchasers of products from a major refiner may have resold those products to others, passing on the consequences of any violation to their customers. However, as stated previously, the Department's priority is to seek remedies that provide some form of restitution, wherever possible. In order to achieve an equitable distribution of monies, the refunds have generally been determined according to a volumetric allocation based on the amount of product purchased by the recipient.

The Transportation Group accurately notes that OSC has previously determined that the refunds received by regulated transportation firms will not constitute a "windfall" to the recipients. OSC's review of the operation of the agencies which regulate transportation companies and their applicable regulations indicates that refunds are factored into the fuel cost aspects of their rate making systems. Similarly, OSC is examining the passthrough of refunds by utilities to end users. To that end, OSC has contacted the public service commissions for the states in which the recipient utilities are located as well as a number of utilities themselves. The commissions have assured OSC that utilities receiving refunds will be required to pass those refunds through to their customers. It has been determined that the utility customers will receive the benefit of the refunds by operation of fuel adjustment clauses in which the refund would appear as an offset to fuel costs in the computation of any fuel adjustment factor, or in the reconciliation of current costs or, finally, as a direct credit to customers. OSC has also obtained assurances that the passthrough will be documented either in public records or through the assistance of the staffs of the various utilities and commissions.

Finally, the Transportation Group's comment with regard to the bank reduction remedy, that it is compromised and rendered meaningless with the advent of decontrol, has been dealt with below.

The National Consumer Law Center (NCLC), a non-profit legal organization representing low-income individuals and groups, also submitted comments that were addressed generally to all nine Consent Orders published for comment on January 26, 1981. The

NCLC's comments, however, raise several issues that are pertinent to this Consent Order.

Although the NCLC initially recognizes that the "limited flow of information" * * * is admittedly somewhat inherent in the nature of the private settlement/public comment process," the NCLC nevertheless complains that the Consent Orders and Federal Register notices are "extremely skimpy on relevant detail" * * * "The DOE regulations, at 10 CFR 205.199(a), require that a Consent Order "set forth the relevant facts which form the basis for the Order." The Consent Order itself indicates that, with the exception of the matters explicitly excluded from the settlement in the Consent Order, it settles and finally resolves all "civil and administrative issues, disputes, claims, and causes of action" * * * by or between the Department of Energy and The Coastal Corporation or its subsidiaries or affiliates, relating to Coastal's compliance with the federal petroleum price and allocation regulations" * * * "Because the Consent Order constitutes neither an admission by the company nor a finding by DOE that Coastal has violated any federal petroleum price or allocation regulation, it would not be appropriate, as the NCLC suggests, to detail and quantify in the Consent Order the preliminary claims and issues that arose in the course of the settlement negotiations and to relate those claims and issues to the terms and conditions of the Consent Order. Further, to reveal how OSC and the company arrived at the dollar figures for the various components of the settlements would breach the confidentiality necessarily accorded to the negotiation process and would impinge upon OSC's prosecutorial discretion. Thus, OSC believes that it has provided the necessary information in the Consent Order and Federal Register notice to enable the public to comment meaningfully upon this settlement.

The NCLC also maintains that the Consent Orders do not provide adequate benefits, focusing particularly on the bank reduction provisions, and the "heavy reliance" placed on them in these settlements. The NCLC seeks renegotiation of the agreements to convert the bank reductions to some cash value.

In the process that leads to settlement, OSC determines the potential liability of a refiner based on its audit of that refiner. That audit addresses all areas of dispute under the price regulations. As a result, the disputes focus on issues of the determination, recognition,

allocation and carry over of costs, which form the basis for the determination of maximum lawful selling prices. Because of the carry over or banking provision, a refiner may have lawful costs available from previous periods to offset disputes in later months. The existence of those legitimate costs militates against the existence of overcharges. In litigation, a refiner is likely to argue that those banks obviate the possibility of overcharge. Thus, in determining a firm's potential liability, two factors are addressed: The legitimacy of the costs claimed and banked and the potential for overcharges, given the existence of banks and a firm's pricing practices. In reaching settlements, OSC has determined the amount of cash refund necessary to reasonably settle any possible overcharges, and the amount of bank reduction appropriate to settle the cost disputes.

Bank reductions are appropriate to remedy certain types of disputes resulting from the audit. OSC intended bank reductions to serve the dual purpose of satisfying the alleged cost violations and of placing some limitations on the refiner's prospective pricing of covered products. Accordingly, in negotiating the bank reduction, OSC sought a reduction to the lowest level consistent with allowing the refiner to maintain, but not increase, prices as a result of the existence of banks. That reduction may have even exceeded the reduction in costs necessary for a satisfactory resolution of the outstanding cost issues. As the NCLC and the Transportation Group point out, decontrol prevents the reduction from having any prospective impact on pricing. However, the bank reduction is to be implemented at the close of the audit period. The refiner's pricing practices will be reviewed to determine that no overcharge has occurred as a result of reliance on the banks available before the reduction was implemented. In any event, the amount of refund remedies stands on its own in each case as the result of our negotiation of an appropriate refund, given the disputes raised.

In addition to its comments on the bank reduction components of the settlements, the NCLC also raises several points that are pertinent to this Consent Order concerning the settlements' cash components. The NCLC expresses concern that the refunds to many of the refiners' immediate purchasers may not be passed through to ultimate consumers. Each of these settlements utilizes "conduits" for passing a substantial portion of the refunds through to

ultimate consumers. OSC chose as conduits regulated industries, such as the utility and transportation industries, for which some mechanism exists to assure a passthrough of benefits to their customers, and state and local government entities that purchased petroleum products in their proprietary capacities. Refunds to these conduits are, therefore, intended to provide general restitution to those unidentifiable ultimate consumers who, through their utility, transportation, or tax bills, may have borne any overcharges that did occur.

With respect to the claims funds established in some of the Consent Orders, including this one, the NCLC expresses several concerns. Although the NCLC believes that the existence of the claims funds has not been adequately publicized, the volume of inquiries OSC has received on these Consent Orders indicates that a wide spectrum of the public is aware of these settlements. As administered by a company, a claims fund provides an option for customers of a company who believe they may have been overcharged to negotiate a settlement with the company of their claims against the company. Moreover, as for the claims funds procedures, the Consent Orders provide information to enable interested claimants to file their claims in a timely fashion, but the process for negotiating a settlement of a claim is a matter that is between the company and claimant. In any event, claimants who do not believe that the settlement offered adequately satisfies their claims need not accept the offer and relinquish their rights and claims against the company.

With respect to those Consent Orders, including this one, that provide for payment to the U.S. Treasury of any unclaimed or undistributed funds from the claims funds or from the DOE-administered special refund proceedings, the NCLC contends that the payment of settlement funds into the Treasury is illegal. The NCLC has previously filed similar comments to other Consent Orders which contend that payments to the U.S. Treasury pursuant to settlements are in excess of DOE's authority because there is no express statutory authorization or requirement for payment to the U.S. Treasury. We disagree with the assertion that payments to the U.S. Treasury are legitimate remedies only if there is express statutory authorization or permission. Treasury payments are entirely apposite in the context of resolution of civil and administrative disputes relating to the refiner's

compliance with the DOE regulations. As we stated in response to the comment filed by NCLC to the Sun Company, Inc. Consent Order, "(t)he use of a Treasury payment reflects DOE's inability to determine a more appropriate distribution mechanism in the circumstances of this case and our belief that this payment is an appropriate enforcement remedy." 45 FR 80348 (December 4, 1980). Under these Consent Orders, only unclaimed or undistributed funds are subject to payment to the Treasury; furthermore, any such payments will be made only after the funds have been held for a period of time pending distribution in claims or refund proceedings. In any event, particularly in light of the restitution provided for by other remedies in the Consent Orders, OSC believes that the payment of undistributed funds to the Treasury is a reasonable and legal disposition of funds that could otherwise be left in limbo indefinitely.

As already noted, OSC received twelve comments that were specifically addressed to the Coastal Consent Order. These comments raised many of the same issues addressed in the Transportation Group and NCLC comments, such as the need generally for more information about the settlement and the value of the bank reduction provisions in light of decontrol. OSC has addressed these points in its response to the Transportation Group and NCLC comments above, and will focus below on other matters raised in the twelve comments.

Like the NCLC comments, seven other comments assert that OSC should have included more information about the settlement in the Consent Order. The types of information suggested for inclusion, however, involve either confidential or proprietary commercial or financial data (e.g., Coastal's price determinations) or information concerning confidential aspects of the settlement process. Six of these comments allege that OSC's failure to include more information in the Consent Order violated the provision in DOE's regulations, 10 CFR 205.199(a), requiring that a Consent Order "set forth the relevant facts which form the basis for the Order." In *U.S. Oil Company, Inc. v. Department of Energy*, No. 81-C-196 (E.D. Wisc., March 27, 1981), in which the court refused to enjoin the proposed Consent Order with Koch Industries, Inc. (see 46 FR 8100) (January 26, 1981), the court considered the issue of the sufficiency of the information provided in the Consent Order and held that "as a

matter of law, the information set forth by DOE in * * * the proposed Consent Order compl[ies] with its own regulations requiring the setting forth of relevant facts upon which the order is based." Slip Op. at 10. Five of the comments—the separate, but virtually identical, comments filed by a law firm on behalf of five independent marketers—also assert that DOE's failure to disclose the audit data on which it relied in reaching the settlement violates fundamental fairness and the Fifth Amendment to the Constitution. Neither the Administrative Procedure Act, nor any other statute, however, requires DOE to provide the public with notice of, or set forth relevant facts regarding, agency Consent Orders.¹ Nor do persons who are not parties to a Consent Order have a "property" or "liberty interest" sufficient to invoke rights to procedural due process under the Fifth Amendment to the Constitution. See *Action on Safety and Health v. FTC* 498 F. 2d 757 (D.C. Cir. 1974). In short, the information set forth in the Consent Order complies with all applicable legal requirements.²

Finally, one comment complains that without more information about the settlement, the commenter "cannot give an informed, much less voluntary consent, to the proposed order." Contrary to this commenter's belief that "its consent is a required element to the validity and effectiveness of the Consent Order," the consent of third parties is not a prerequisite to the adoption of a proposed Consent Order as a final order of DOE. Cf. *Sam Fox Publishing Co. v. United States*, 366 U.S. 683 (1961).

The consent of third parties is not necessary, in part, because the Consent

¹ To the extent that the Notice adopting as final the DOE's Consent Order with Koch Industries, Inc. implies that the Administrative Procedure Act imposes any procedural requirements on DOE regarding the publication of notice of Consent Orders, the Notice is incorrect. The APA is inapplicable to this question.

² Moreover, neither case cited in the comments, (*Armstrong v. Manzo*, 380 U.S. 545 (1965) and *U.S. Lines v. Federal Maritime Commission*, 584 F.2d 519 (D.C. Cir. 1978)), supports the commenters' position. In *Armstrong*, the Supreme Court held that in a situation involving an adjudicative hearing concerning a step-father's adoption of his step-daughter, the court must give the natural father prior notice of the hearing so that he may object to the adoption and demonstrate his compliance with the applicable state law. A Consent Order is not analogous to an adjudicative hearing and, in any event, DOE has provided interested persons with notice before taking any final action. In *U.S. Lines*, there was a statutory requirement that the agency hold a hearing before taking any final action, and the court determined that agency action resulting from that hearing must be based upon substantial evidence on the record of that hearing. There are no similar requirements for DOE Consent Orders.

Order settles and resolves only "civil and administrative issues, disputes, claims, and causes of action" between DOE and Coastal. It was not intended to resolve all private claims against Coastal nor was it intended to extinguish any private rights of action. Persons who have a pricing or allocation dispute with Coastal may still seek appropriate judicial relief, including declaratory judgments, injunctions, and/or damages under § 210 of the Economic Stabilization Act. Thus, because the Consent Order only settles matters between DOE and Coastal and does not extinguish private rights of action, there is no basis for the comment that the settlement is "confiscatory in that it imposes a settlement upon" third parties and "a forfeiture of (third parties') private rights without just compensation or due process * * *". Because the Consent Order does not bar private rights of action, there is no need, as suggested by several of the comments, to modify various provisions of the Consent Order to eliminate any impression that the Consent Order may affect private rights of action.

Related to the comments concerning the effect of the Consent Order on the rights of third parties are comments submitted by the law firm on behalf of the five independent marketers of Coastal's products complaining that the Consent Order "permits the destruction of all records relevant to Coastal's violations * * * (and that) the exemption from the recordkeeping requirement would make it impossible for * * * (an) overcharged purchaser to discover evidence necessary to support its claims and to prosecute a potential action for damages pursuant to Section 210 of the ESA." In paragraph 601, which relieves Coastal of its duty to comply with the record-keeping requirements of 10 CFR 210.92 for the period covered by the Consent Order, OSC has simply exercised the authority conferred by 10 CFR 210.92(d)(2)(B) to remove a requirement, the need for which no longer exists. With the completion of OSC's audit and the settlement of all disputes and claims for the period covered by the Consent Order, the records which were maintained by the company to demonstrate to DOE its compliance with the pricing and allocation regulations are no longer needed. Moreover, as the court in *U.S. Oil, supra*, noted, "(t)he recordkeeping provisions established by DOE were never intended to assist private litigants. They were designed and created to assist the DOE in determining whether the * * * major oil refiners and producers were complying with the price

regulations." Slip Op. at 6. Several comments came from purchasers of Coastal's (or its subsidiaries') products who indicated that they believed they may have been overcharged on their purchases from Coastal and that they want to be included among those receiving refunds under the Consent Order. While the customers due to receive a portion of the \$12.5 million under ¶402 of the Consent Order have been identified, any Coastal customer who does not receive a refund under that provision may submit a claim for a refund from the claims fund created by ¶401 of the Consent Order. Moreover, as noted above, participating in the claims fund is only one option for customers who believe they have been overcharged since they may elect not to participate in the claims fund and instead pursue their private rights of action.

Having considered all comments submitted, DOE has determined that the proposed Consent Order with Coastal should be made final without modification, effective May 27, 1981.

Issued in Washington, D.C. May 18, 1981.

Avrom Landesman,

Acting Special Counsel for Compliance.

[FR Doc. 81-15015 Filed 5-26-81; 8:45 am]

BILLING CODE 8450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51262; TSH-FRL-1837-4]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This notice announces receipt of six PMN's and provides a summary of each.

DATE: Written comments by June 21, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, D.C. 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: June Thompson, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-529C, 401 M St., SW., Washington, D.C. 20460, (202-755-6660).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA, must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic

name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before June 21, 1981, submit to the Document Control Officer (TS-793) Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51262]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: May 20, 1981.

Edward A. Klein,
Director, Chemical Control Division.

PMN 81-194

The following information is taken from data submitted by the importer in the PMN.

Close of Review Period. July 21, 1981.
Importer's Identity. American Hoechst Corporation, 202-206 S., Somerville, NJ 08876.

Specific Chemical Identity. Oligomers from 1,6-dimethylnaphthyl sulfonic acid, sodium salt, and formaldehyde.

Use. Claimed confidential business information. Generic use information provided: Open use.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1982	160	350
1983	160	350
1984	160	350

Physical/Chemical Properties.
Physical form—liquid.

Toxicity Data. The importer states that the oral toxicity (LD₅₀) in rats of the products in which the new chemical is used ranges from more than 5,000 to more than 15,000 mg/kg, indicating low toxicity.

Exposure. The importer states that at a user's site processing the substance, 30 workers could have skin exposure less than 1 hr/da while using dippers to transfer the PMN substance to a blending container.

Environmental Release/Disposal. The importer states that at a user's site, 10 to 100 kg/yr of the new chemical will be released into the land and that less than .5% of the substance will remain bound to the consumer product.

PMN 81-195

The following information is taken from data submitted by the importer in the PMN.

Close of Review Period. July 21, 1981.
Importer's Identity. American Hoechst Corporation, 202-206 S., Somerville, NJ 08876.

Specific Chemical Identity. 2,4,6-Tributylphenol, ethoxylated, acetate.
Use. Claimed confidential business information. Generic use information provided: Open use.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1982	110	250
1983	110	250
1984	110	250

Physical/Chemical Properties.

Physical form—liquid.

Toxicity Data. The importer states that the oral toxicity (LD₅₀) in rats of the products in which the new chemical is used ranges from more than 5,000 to more than 15,000 mg/kg, indicating low toxicity.

Exposure. The importer states that at a user's site processing the substance, 30 workers could have skin exposure less than 1 hr/da while using dippers to transfer the PMN substance to a blending container.

Environmental Release/Disposal. The importer states that at a user's site, 10 to 100 kg/yr of the new chemical will be released into the land and that less than .5% of the substance will remain bound to the consumer product.

PMN 81-196

The following information is taken from data submitted by the importer in the PMN.

Close of Review Period. July 21, 1981.
Importer's Identity. American Hoechst Corporation, 202-206 S., Somerville, NJ 08876.

Specific Chemical Identity. Polymer from propylene oxide and ethylene oxide acetylated.

Use. Claimed confidential business information. Generic use information provided: Open use.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1982	50	120
1983	50	120
1984	50	120

Physical/chemical Properties.
Physical form—liquid.

Toxicity Data. The importer states that the oral toxicity (LD₅₀) in rats of the products in which the new chemical is used ranges from more than 5,000 to more than 15,000 mg/kg, indicating low toxicity.

Exposure. The importer states that at a user's site processing the substance 30 workers could have skin exposure less than 1 hr/da while using dippers to transfer the PMN substance to a blending container.

Environmental Release/Disposal. The importer states that at a user's site, 10 to 100 kg/yr of the new chemical will be released into the land and that less than .5% of the substance will remain bound to the consumer product.

PMN 81-197

The following information is taken from data submitted by the importer in the PMN.

Close of Review Period. July 21, 1981.

Importer's Identity. American Hoechst Corporation, 202-206 S., Somerville, NJ 08876.

Specific Chemical Identity. Monylphenol, ethoxylated, acetate.

Use. Claimed confidential business information. Generic use information provided: Open use.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1982	50	120
1983	50	120
1984	50	120

Physical/Chemical Properties.

Physical form—liquid.

Toxicity Data. The importer states that the oral toxicity (LD₅₀) in rats of the products in which the new chemical is used ranges from more than 5,000 to more than 15,000 mg/kg, indicating low toxicity.

Exposure. The importer states that at a user's site processing the substance, 30 workers could have skin exposure less than 1 hr/da while using dippers to transfer the PMN substance to a blending container.

Environmental Release/Disposal. The importer states that at a user's site, 10 to 100 kg/yr of the new chemical will be released into the land and that less than .5 percent of the substance will remain bound to the consumer product.

PMN 81-198

The following information is taken from data submitted by the importer in the PMN.

Close of Review Period. July 21, 1981.

Importer's Identity. American Hoechst Corporation, 202-206 S., Somerville, NJ 08876.

Specific Chemical Identity. Copolymer of N-vinyl-N-methylacetamide and maleic acid, diisooctyl ester.

Use. Claimed confidential business information. Generic use information provided: Open use.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1982	500	700
1983	800	1,000
1984	1,100	1,300

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted. The importer states that the dispersion product is believed to be nontoxic and that its use will present no hazard to health or the environment.

Exposure. The importer states that at a user's site processing the substance, one to two workers could have incidental skin exposure to the PMN substance during transferring, blending, or curing operations. Consumer and commercial exposure to the new chemical will be limited to the cured final product in which it is bound.

Environmental Release/Disposal. The importer states that at a user's site, less than 10 kg/yr of the new substance will be released into the water.

PMN 81-199

The following information is taken from data submitted by the importer in the PMN.

Close of Review Period. July 21, 1981.

Importer's Identity. American Hoechst Corporation, 202-206 S., Somerville, NJ 08876.

Specific Chemical Identity. Polymer of vinyl acetate; butyl acrylate; neodecanoic acid, vinyl ester; and vinyl sulfonic acid, sodium salt.

Use. Claimed confidential business information. Generic use information provided: Open use.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1982	25,000	35,000
1983	40,000	50,000
1984	55,000	65,000

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted. The importer states that the dispersion product is believed to be nontoxic and that its use will present no hazard to health or the environment.

Exposure. The importer states that at a user's site processing the substance, one to two workers could have incidental skin exposure to the PMN substance during transferring, blending, or curing operations. Consumer and commercial exposure to the new chemical will be limited to the cured final product in which it is bound.

Environmental Release/Disposal. The importer states that at a user's site, 10 to 100 kg/yr of the new substance will be released into the water.

[FR Doc. 81-15856 Filed 5-26-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51261; TSH-FRL-1837-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This notice announces receipt of three PMN's and provides a summary of each.

DATE: Written comments by June 21, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460 (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-190	David Dull	(202-382-2277)	E-229
81-192, 81-193	Carrie Berlin	(202-426-2532)	E-711C

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2060a)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Initial Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44

FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the *Federal Register* of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the *Federal Register* nonconfidential information on the identity and uses of the substances, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the *Federal Register*.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended *Federal Register* notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) *Federal Register* notice indicates the date when the review periods ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the *Federal Register*.

Once the review period ends, the submitter may manufacture the

substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before June 21, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51261]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

[Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)]

Dated: May 20, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-190

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 21, 1981.

Manufacturer's Identity. Reichhold Chemicals, Inc., 525 North Broadway, White Plains, NY 10603.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Unsaturated polyester resin.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a destructive use that will release less than 50 kg per year into the environment with very low potential exposure to both chemical and nonchemical industrial employees.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Acid number—<20.

Density at 25°C—1.22 g/cm³.

Water solubility—Negligible.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at two sites three manufacturing

workers could have inhalation exposure and five processing workers could have skin and inhalation exposure to the new chemical for 4 to 8 hr/da, 80 to 240 da/yr, at an average concentration of 1 to 10 mg/m³.

Environmental Release/Disposal. The manufacturer states that at the manufacturing site, less than 10 kg/yr will be released to land and less than 10 kg/yr to a publicly owned treatment works (POTW) 24 hr/da, 10 da/yr. At a user's site processing the new substance, the manufacturer states that less than 10 kg/yr may be released into the air, 16 hr/da, 240 da/yr and less than 10 kg/yr to land. None will be released to water.

PMN 81-192

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 21, 1981.
Manufacturer's Identity. Union Carbide Corporation, 270 Park Ave., New York, NY 10017.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Trisubstituted silylalkanacetate.

Use. The manufacturer states that the PMN substance will be used as a chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/chemical Properties

Physical state—High boiling liquid.
Boiling point, °C (0.3mmHg)—>40.
Density, g/ml (25°C)—>1.0.
Purity, % (VPC)—96-99.
Flash point, °F (Pensky-Martens CC)—>180.
Viscosity, cstks—1.7.
Hydrolysis rate (time, min., 50% hydrolysis)—190.

Toxicity Data

Oral LD₅₀ (rat)—>20.0 ml/kg.
Percutaneous LD₅₀ (rabbit)—16.0 ml/kg.
Inhalation (rat)—substantially saturated vapor at 24°C, 6 hours, killed 1 of 6.
Uncovered skin irritation (rabbit)—None.

Eye irritation (rabbit)—None.
Exposure. The manufacturer states that nine manufacturing and processing workers could have skin, eye, and inhalation exposure to the new chemical for 8 hr/da, 40 da/64.

Environmental Release/Disposal. The manufacturer states that none of the new substance is anticipated to be released into the environment. Most of the chemical intermediate will be

consumed when converted to the product; trace amounts of waste will be incinerated, and spills will be flushed to the plant waste treatment system or landfilled.

PMN 81-193

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 21, 1981.

Manufacturer's Identity. Union Carbide Corporation, 270 Park Avenue, New York, NY 10017.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Poly(oxyalkyl-disubstituted silane) aroyl, alkoxy terminated.

Use. the manufacturer states that the PMN substance will be used as an additive in industrial coatings.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Physical form—viscous liquid.

Specific gravity—> 1.1.

Flash point, °F—> 120.

Volatiles, vol. %—> 1.

Hydrolysis rate (time, min., 50% hydrolysis)—35.

Octanol/water partition coefficient Log P (estimated)—2.75.

Environmental Test Data

Biological oxygen demand (BOD) % of chemical oxygen demand (COD)—5-day—53; 10-day—64; 20-day—88.

Fish, fathead minnows, LC₅₀ (mg/l)—6/6.

Toxicity Data

Peroral intubation (rat)—16.0 ml/kg, killed 0 of 6.

Percutaneous (rabbit)—16.0 ml/kg, killed 0 of 6.

Inhalation (rat)—Substantially saturated vapor, 6 hours, killed 0 of 6.

Uncovered skin irritation (rabbit)—Trace.

Eye irritation (rabbit)—None.

Exposure. The manufacturer states that 12 manufacturing workers could have skin, eye, and inhalation exposure to the new chemical for 8 hr/da, 40 da/yr. At the site of a customer, 120 processing workers could have skin, eye, and inhalation exposure for 4 hr/da, 260 da/yr.

Environmental Release/Disposal. The manufacturer states that none of the PMN substance is anticipated to be released into the air and water and only trace amounts of solid wastes into the land of a landfill. Trace amounts of

liquid wastes or spills will be disposed of by the plant waste treatment system.

[FR Doc. 81-15655 Filed 5-20-81; 8:45 am]

BILLING CODE 6560-31-M

[ER-FRL-1838-3]

EPA Comments on Environmental Impact Statement and Other Actions Impacting the Environment Availability of Report

AGENCY: Office of Federal Activities (A-104), U.S. Environmental Protection Agency.

PURPOSE: Pursuant to the requirements of section 102(2)(c) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment.

SUMMARY OF NOTICE: A report which identifies EPA's comments on EIS's and other actions impacting the environment which were released during April 1981 has been prepared and is available upon request. To obtain a copy of this report you should contact: Ms. Kathi L. Wilson, Office of Federal Activities (A-104), U.S. Environmental Protection Agency, Washington, D.C. 20460.

This report is also published in the monthly publication entitled, 102 Monitor, which is available through subscription with the Government Printing Office, Superintendent of Documents, Washington, D.C. 20402.

CONTENTS OF REPORT: The report contains the type and title of the document reviewed by EPA, the agency responsible for preparing document, the EPA review control number, the classification of the nature of EPA's comments for draft EIS's and a summary of the EPA's comments is given for final EIS's and other actions.

Dated: May 20, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities.

[FR Doc. 81-15653 Filed 5-20-81; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-1837-2]

Intent To Prepare an Environmental Impact Statement

AGENCY: U.S. Environmental Protection Agency (EPA), Region VII.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement (EIS).

PURPOSE: In accordance with Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an EIS and therefore, issues this

Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT:

Ms. Barbara Bowerman, Environmental Review Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64108, Telephone: (Commercial) (816) 374-2921 (FTS 758-2921).

SUMMARY: The City of Des Moines, Iowa, has been awarded a Step I grant under Section 201 of the Clean Water Act (P.L. 95-217) for the preparation of a facility plan to update the Des Moines 208 Metropolitan Area-wide Waste Treatment Management Plan, which proposed a new sewage treatment facility to serve a multi-jurisdictional area.

The EPA action to be evaluated in the EIS would be approval of the portion of the facility plan and subsequent EPA funding for design and construction of a sludge treatment and disposal system. A third party contract with the City of Des Moines for preparation of the EIS has been awarded to Tenech Environmental Engineers, Inc.

The U.S. EPA Region VII has distributed a detailed Notice of Intent on the Des Moines Sludge Management EIS. Copies of the Notice of Intent are available from the project officer identified above.

SCOPING: The first public meeting will be conducted by EPA Region VII, to identify significant environmental issues and determine the scope of the draft EIS. The public scoping meeting is scheduled for June 23, 1981, at 6:30 p.m., in the Botanical Center, 909 East River Drive, Des Moines, Iowa.

TIMING: EPA estimates that the draft EIS will be available for public review and comment about December 1981. All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on the list to receive the draft EIS and related public notices.

Dated: May 20, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities.

[FR Doc. 81-15650 Filed 5-20-81; 8:45 am]

BILLING CODE 6560-37-M

[OPP-30199; PH-FRL-1837-3]

M. & T. Chemicals Inc.; Receipt of Application To Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received an application to register the pesticide product POLYFLO 20001 A, containing the new active ingredient tributyltin methacrylate at 11.3 percent.

DATE: Comments must be received on or before June 26, 1981.

ADDRESS: Written comments to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA gives notice that M&T Chemicals, Inc., P.O. Box 1104, Rahway, NJ 07065, has submitted an application to register the pesticide product POLYFLO 2001 A, containing the new active ingredient tributyltin methacrylate at 11.3 percent. Notice of receipt of an application does not indicate a decision by the agency on the application. The application proposes that the product be registered for general use as an antifouling paint for protecting surfaces (wood, steel, aluminum, and fiberglass) from marine fouling and slime. The product has been assigned EPA File Symbol No. 5204-AU.

Notice of approval or denial of the application will be announced in the Federal Register. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819, (7 U.S.C. 136)), the test data and other scientific information deemed relevant to the registration decision may be made available after approval, under provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the Federal Register, if an application is approved.

Interested persons are invited to submit written comments on this application. Comments may be submitted and inquiries directed to the product manager. The comments must be received within 30 days from the date of publication of this notice in the Federal Register and should bear a notation indicating the document control number "[OPP-30199]" and the file symbol. Comment received after the specified time period will be considered only to the extent possible without delaying processing of the application. The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

Dated: May 13, 1981.

Douglas D. Camp,
Director, Registration Division, Office of
Pesticide Programs.

[FR Doc. 81-15657 Filed 5-26-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-53024A; TSH-FRL-1837-7]

Premanufacture Notices, Monthly Status Report for March 1981; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects the chemical identity of two premanufacture notices (PMN) submitted by Du Pont de Nemours & Co., 1007 Market St., Wilmington, DE 19898 as required by section 5(a)(1) of the Toxic Substances Control Act (TSCA).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-210, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: EPA issued the Premanufacture Notices Status Report for March 1981 published in the Federal Register of May 1, 1981 (46 FR 24677).

In the FR Doc. 81-13186 appearing at page 24680, under "IV. Chemical Substances for Which EPA Has Received a Notice of Commencement to Manufacture", the chemical identification for PMN No. 80-94 is corrected to read, "Generic name: Monosubstitutedbenzenesulfonamide." and the chemical identification for PMN No. 80-95 appearing on page 24681 is corrected to read, "Generic name: Monosubstitutedbenzenesulfonyl chloride."

Dated: May 20, 1981.

Edward A. Klein,
Director, Chemical Control Division.

[FR Doc. 81-15654 Filed 5-26-81; 8:45 am]

BILLING CODE 6560-31-M

[A-3-FRL-1823-1a]

Standards of Performance for New Stationary Sources; Delegation of Authority to State of Delaware

On June 11, 1979 (44 FR 33613), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator of The Environmental Protection Agency (EPA) promulgated regulations establishing standards of performance for certain categories of new stationary sources, New Source Performance

Standards (NSPS). Section 113(c) directs the Administrator to delegate his authority to implement and enforce NSPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On December 23, 1980, John E. Wilson III, Secretary, Department of Natural Resources and Environmental Control, submitted to the EPA Regional Office a request for delegation of authority. The request was to add electric utility steam generating units for which construction is commenced after September 18, 1978, as a section of Regulation XX, which deals with NSPS. After a thorough review of that request, the Enforcement Director has determined that for the source category set forth in the following official letter to John E. Wilson III, Secretary, Department of Natural Resources and Environmental Control, delegation is appropriate subject to the conditions set forth in paragraphs 1 through 8 of that letter:

Certified Mail—Return Receipt Requested

John E. Wilson III,

Secretary, Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Delaware 19901.

Re: Delegation of Authority of New Source Performance Standards pursuant to Section 113(c), Clean Air Act, as amended.

Dear Mr. Wilson: This is in response to your letter of December 23, 1980, requesting delegation of authority for implementation and enforcement for electric utility steam generating units for which construction is commenced after September 18, 1978, under the standards of Performance for New Stationary Sources (NSPS), to the State of Delaware's Department of Natural Resources and Environmental Control (the Department).

We have reviewed the pertinent laws of the State of Delaware and its regulations governing the control of air pollution and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS regulations by the Department. Therefore, we hereby delegate authority to the Department, as follows:

The Department is delegated and shall have authority for all electric utility steam generating units located in the State of Delaware subject to the Standards of Performance for New Stationary Sources promulgated in 40 CFR Part 60.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by the Department For New Source Performance Standards including:

(A) sources determined to be applicable during that quarter;

(B) applicable sources which started operation during that quarter or which

started operation prior to that quarter which have not been previously reported;

(C) the compliance status of the above, including the summary sheet from the compliance test(s); and

(D) any legal actions which pertain to NSPS sources.

2. Enforcement of the NSPS regulations in the State of Delaware will be the primary responsibility of the Department. Where the Department determines that such enforcement is not feasible and so notifies EPA, or where the Department acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the State of Delaware subject to NSPS regulations.

3. Acceptance of this delegation of certain promulgated NSPS does not commit the State of Delaware to request or accept delegation of other present or future standards and requirements. A new request for delegation will be required for any additional standards or amendments to previously delegated standards not included in the State's request of December 23, 1980.

4. The Department will not grant a variance from compliance with the applicable NSPS regulations if such variance delays compliance with the Federal Standards (Part 60). Should the Department grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulations and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the Department shall also constitute grounds for revocation of delegation by EPA.

5. The Department and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the interpretation of applicable regulations. In instances where there is a conflict between a Department interpretation and a Federal interpretation of applicable regulations, the Federal interpretation must be applied if it is more stringent than that of the Department.

6. If at any time there is a conflict between a Department regulation and a Federal regulation 40 CFR Part 60, the Federal regulation must be applied if it is more stringent than that of the Department. If the Department does not have the authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

7. The Department will utilize the methods specified in 40 CFR Part 60, in performing source tests pursuant to the regulations.

8. If the Enforcement Director determines that a Department program for enforcing or implementing a NSPS regulation is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Department.

A Notice announcing this delegation will be published in the *Federal Register* in the near future. The Notice will state, among other things, that effectively immediately, all reports required pursuant to the above-

enumerated Federal NSPS regulations by sources located in the State of Delaware should be submitted to the State of Delaware, Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Delaware 19901, in addition to EPA, Region III. Any original reports which have been or may be received by EPA, Region III, will be promptly transmitted to the Department.

Since this delegation is effective immediately, there is no requirement that the Department notify EPA of its acceptance. Unless EPA receives from the Department written notice of objections within ten (10) days of receipt of this letter, the State of Delaware's Department of Natural Resources and Environmental Control will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

Thomas C. Voltaggio,
Acting Director, Enforcement Division.

Therefore, pursuant to the authority delegated by the Administrator, the Enforcement Director of Region III notified John E. Wilson III, Secretary, Department of Natural Resources and Environmental Control, on May 11, 1981 that authority to implement and enforce certain standards of performance for new stationary sources was delegated to the State of Delaware.

Copies of that request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region III Office, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

Effective immediately, all reports required pursuant to the standards of performance for new stationary sources for electric utility steam generating units for which construction is commenced after September 18, 1978, should be submitted to the Delaware Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Delaware 19901 with copies to EPA Region III. However, reports required pursuant to 40 C.F.R. § 60.7(c) (excess emissions and malfunctions) should be sent to the Delaware Department of Natural Resources and Environmental Control, only.

This Notice is issued under the authority of Section 111 of the Clean Air Act, as amended.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is an administrative change and is not a major rule because it is not likely to result in:

An annual effect on the economy of \$100 million or more;

A major increase in costs or prices for consumers, individual industries,

Federal, State, or local government agencies, or geographic regions; or

Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(42 U.S.C. 7411)

Dated: April 27, 1981.

Thomas C. Voltaggio,
Acting Director, Enforcement Division.

[FR Doc. 81-15814 Filed 5-20-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

Petition for Clarification of Actions in Rule Making Proceeding

May 18, 1981.

The following petition for clarification filed in a Commission rulemaking proceeding is published to allow parties an opportunity to comment. Oppositions to this petition for clarification must be filed on or before June 11, 1981. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

SUBJECT: Amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies of the Commission's Rules and Regulations with respect to accounting for station connections, optional payment plan revenues and related capital costs, customer provided equipment and sale of terminal equipment. (CC Docket No. 79-105, RM-3017).

FILED BY: Paul Rogers, Charles D. Gray and Deborah A. Dupont, Attorneys for the National Association of Regulatory Utility Commissioners on 4/30/81.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 81-15466 Filed 5-26-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

Economy Savings and Loan Association, Chicago, Ill.; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in Section 406(c)(2) of the National Housing Act, as amended (12 U.S.C. 1729(c)(2) (1976)),

the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as receiver for Economy Savings and Loan Association, Chicago, Illinois, effective May 18, 1981.

Dated: May 20, 1981.

J. J. Finn,
Secretary.

[FR Doc. 81-15711 Filed 5-26-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

American Export Lines, Inc.

Danube East Mediterranean Line (DEMLINE); Cancellation

Filing party: Captain Richard H. Ford, Vice President, Farrell Lines, Inc., 1629 K Street, NW., Suite 605, Washington, D.C. 20006.

Agreement No. 9481.

Summary: On May 15, 1981, the Commission received notice of the dormant transshipment agreement between Demline and American Export Lines, Inc., predecessor to Farrell Lines, Inc. in Agreement No. 9481. Since there is no indication that this agreement was ever implemented and as the parties have no further interest in maintaining it, the agreement will be cancelled effective May 15, 1981, the date the above notice was received by the Commission.

California Association of Terminal Elevators; Cancellation

Filing party: H. Stanton Orser, Esquire, Garrison, Townsend, Hall, Orser and Park, One Market Plaza, 2610 Steuart Tower, San Francisco, California 94120.

Agreement No. 8865.

Summary: On May 14, 1981, the Commission received notice of the cancellation of Agreement No. 8865, California Association of Terminal Elevators, effective March 31, 1981.

Dated: May 20, 1981.

By Order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc. 81-15607 Filed 5-26-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreements Nos. T-3967 and T-3973]

Availability of Findings of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decisions on the

proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. T-3967, between the Board of Commissioners of the Port of New Orleans and Ryan-Walsh Stevedoring Company (Ryan-Walsh), provides for the lease to Ryan-Walsh of bulk terminal facilities and related equipment located on the Mississippi River-Gulf Outlet, Orleans Parish, Louisiana, for handling a limited number of dry bulk commodities from contract carriers.

Agreement No. T-3973, between the City of Richmond, California (City) and Hong Kong Islands Shipping Co. (HKIS), is for the use of the City's Terminal 3. In exchange for a minimum 6,000 containers per year, HKIS would receive priority berthing at the terminal until the City enters into a preferential assignment with another carrier.

The Findings of No Significant Impact (FONSI) will become final within 10 days unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,
Secretary.

[FR Doc. 81-15612 Filed 5-26-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreements Nos. T-3971 and 10418]

Availability of Findings of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decisions on the proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. T-3971, between Tropical Shipping and Construction Co., Ltd. (Tropical) and Birdsall, Inc. (Birdsall), is an agency agreement which provides for Birdsall to manage Tropical's U.S. business activities and act as its U.S. terminal operator at ports in Florida.

Agreement No. 10418, between Lykes Brothers Steamship Co., Inc. (Lykes) and Caldwell Shipping Company (Caldwell), is an agency agreement which provides for Caldwell to act as agent in respect to Lykes intermodal traffic moving to and from Savannah, Jacksonville, Port Everglades and Miami.

The Findings of No Significant Impact (FONSI) will become final within 20 days unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,
Secretary.

[FR Doc. 81-15613 Filed 5-26-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 335]

George M. Leininger Co., Inc.; Order of Revocation

On May 11, 1981, George M. Leininger Co., Inc., 512 Gravier Bldg., New Orleans, Louisiana 70130 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 335.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 335 issued to George M. Leininger, be revoked effective May 16, 1981 without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 335 issued to George M. Leininger Co., Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon George M. Leininger Co., Inc.

Albert J. Klingel, Jr.,
Director, Bureau of Certification and Licensing.

[FR Doc. 81-15610 Filed 5-26-81; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the

Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Evelina H. Nunga, d.b.a. R. E. N. International Services, 301 So. Harvard Street, Suite 205, Harvard Office Bldg., Los Angeles, CA 90020

Circle Airfreight Corp., 545 Sansome St., San Francisco, CA 94111; Officers: John H. Robinson, President/Director; Ray C. Robinson, Jr., Vice President/Director; Peter Gibert, Vice President/Director; Martin Collins, Vice President; David Pulk, Vice President

B&D Customhouse Brokers, Inc., 1314 Texas Avenue, Suite 1306, Houston, TX 77002; Officers: Kirby J. Bentsen, President; Janis C. Bentsen, Vice President; Guy C. Bentsen, Secretary/Treasurer; Irma Villarreal, Assistant Secretary

Pan World Shipping, Inc., 1025 Royal Lane, P.O. Box 61352, Dallas/Ft. Worth, Texas 75261; Officers: Jerry F. Wales, President; Ann Wales, Vice President/Secretary/Treasurer

Gladis Amstutz, d.b.a. Amstutz International Co., 25831 Timberlake Drive, Woodlands, TX 77380

Jack Ledesma International Forwarder (d.b.a. Emigdio S. Ledesma), 2300 Olinville Avenue, 6C, Bronx, NY 10567

Viking Sea Freight, Inc., One World Trade Center, Suite 8845, New York, NY 10048; Officers: Pasquale Pascarella, President; Nunzio Mastromarino, Secretary/Treasurer; Michael Ono, Vice President; Kazuhiro Kinoshita, Vice President; Masahiro Ono, Director

E. S. D. International Corporation, 17795 J. F. K. Blvd., Suite 227 South, Houston, TX 77025; Officers: Ronald R. Johns, President/Director; Jerome P. Jaskas, Vice President/Director; June E. Adams, Secretary

Dated: May 20, 1981.

By the Federal Maritime Commission,

Francis C. Hurney,
Secretary.

[FR Doc. 81-15011 Filed 5-26-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-3969]

Lease Agreement Between Hooker Chemical Properties Cooperation and South Louisiana Port Commission; Availability of Energy Impact Statement and Finding of No Significant Environmental Impact

Upon completion of an energy assessment pursuant to section 382(b) of the Energy Policy and Conservation Act of 1975, 42 U.S.C. 6201 (EPACA) and an environmental assessment pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA), the Federal Maritime Commission's Office of Energy and Environmental Impact (OEI) has determined that the Commission's decision on Agreement No. T-3969 is a major regulatory action within the meaning of EPACA. The OEI found that approval of the agreement could conserve approximately 6.4 billion cubic feet of American natural gas annually, equivalent to approximately 1 million barrels of Bunker C fuel oil per year. The OEI also concluded that the Commission's resolution of this agreement would have no significant adverse impact on the quality of the human environment within the meaning of NEPA. The agreement, between Hooker Chemical Properties Cooperation and South Louisiana Port Commission, involves the lease of dock, wharf and related storage facilities near Taft, Louisiana, to Hooker for the loading, unloading and storing of ammonia and caustic soda products.

The Energy impact statement and related environmental assessment will become final within 10 days unless a petition for review is filed pursuant to 46 CFR 547.6(b) and are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,
Secretary.

[FR Doc. 81-15009 Filed 5-26-81; 8:45 am]

BILLING CODE 6730-01-M

Notice of Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street,

N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 16, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-3919-1.

Filing party: Antonio Zapater Cajigas, 50 Isabel Street, P.O. Box 1350, Ponce, Puerto Rico 00731.

Summary: Agreement No. T-3919-1 is an extension of a lease executed between Administrative Board of the Municipal Piers of Ponce (Administrative Board) and Trailer Marine Transport Corporation (Lessee) for an additional year from August 1, 1980. The agreement provides for the lease of a two-story cement building 35' wide and 16' deep located in the southern part of the dock area of Ponce along with a parking area of 16,000 sq. ft. for 40 containers, and an enclosed yard area of 3,305 sq. ft. The Lessee shall pay the Administrative Board a monthly rental of \$1,618.67. The lease shall run for one year.

Agreement No. 150-70.

Filing party: Mr. Charles F. Warren, 1100 Connecticut Ave., N.W., Washington, D.C. 20006.

Summary: Agreement No. 150-70 modifies the basic agreement of the Trans-Pacific Freight Conference of Japan/Korea by adding an Article 31 to provide for Rate Initiative, a procedure for changing rates in the face of non-conference competition subject to the terms and conditions set forth therein.

Agreement No. 10419.

Filing party: James P. Black, President, Frederick Richards of Georgia, Inc., 122 West Bay Street, P.O. Box 1246, Savannah, Georgia 31402.

Summary: Agreement No. 10419, between Frederick Richards, Inc. and Frederick Richards of Georgia, Inc., provides that the marketing manager presently employed by Frederick Richards of Georgia, Inc., will solicit cargo, clients and accounts on behalf of Frederick Richards of Georgia, Inc., and Frederick Richards, Inc. Frederick Richards, Inc., is a Charleston, South Carolina based custom house broker and foreign freight forwarder, FMC license 309R, wholly owned by Robert A. Richards. Frederick Richards of Georgia, Inc., is based in Savannah, Georgia, with a branch office in Atlanta, and operates as a custom house broker and foreign freight forwarder, under FMC license 1535, with the stockholders being James P. Black (49 percent) and Robert A. Richards (51 percent). Although the established name, Frederick Richards, is used for both corporations, the two are separate and operate totally independently. The officers of the two firms communicate regarding management matters of Frederick Richards of Georgia, Inc. When necessary, uniform rates will be established for specific customers, and intercommunications between offices established to service and maintain clients of the two firms. Service fees will be standardized upon request by and agreement of a specific account. Frederick Richards, Inc., will pay Frederick Richards of Georgia, Inc., one-third the salary and expenses of the marketing manager employed by Frederick Richards of Georgia, Inc.

Agreement No.: 10420.

Filing party: Robert A. Peavy, Esquire, Morgan, Lewis & Bockius, 1800 M Street, N.W., Washington, D.C. 20036.

Summary: Agreement No. 10420 is a proposed charter agreement among five U.S.-flag carriers, i.e., American President Lines, Ltd., Lykes Bros. Steamship Company, Inc., Sea-Land Service, Inc., United States Lines, Inc., and Waterman Steamship Corporation, in the trades between points in and ports on all coasts of the U.S. (including Hawaii and Alaska), the Republic of Panama, Guam, and Canada on the one hand, and points and ports in foreign countries included in U.S. Oceanborne Foreign Trade Routes Nos. 12, 17, 22, and 29 on the other. It permits the parties to transport cargo and/or equipment for other members on a capacity-available basis, with compensation as the parties may from time to time agree. Procedures for booking, documentation, and administrative matters will also be as agreed upon by the parties from time to time. The parties reserve the right to

appoint an administrator and/or auditor, and agree to file semi-annual operating reports with the Commission. The agreement also includes specific provisions dealing with *force majeure*, loss or damage responsibility, insurance, and arbitration, and the parties agree not to pay any unlawful remittances, allowances, or rebates under the agreement. The agreement is scheduled to remain in effect as long as membership is maintained by at least two carriers.

Dated: May 20, 1981.

By order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc. 81-15608 Filed 5-26-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

Transmittal Rules; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Terramar Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed merger with Service Machine & Shipbuilding Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Terramar. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 11, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and

requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 81-13723 Filed 5-26-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Minority Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of June 1981.

MINORITY ADVISORY COMMITTEE,

ADAMHA, June 18; 9:30 a.m.—OPEN, Conference Room 17-09B, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland. Contact: Marta Sotomayor, Ph.D., Room 13C-26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857—(301) 443-3838.

Purpose: The Minority Advisory Committee, ADAMHA advises the Secretary of Health and Human Services, and the Administrator, Alcohol, Drug Abuse, and Mental Health Administration on needs, programs, and activities regarding minority alcohol, drug abuse, and mental health matters, and makes recommendations for possible solutions which meet the needs and concerns of minority groups throughout the United States. The Committee functions in an advisory capacity to the Administrator on those matters which relate to the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health.

Agenda: This meeting will be open to the public. The focus of the meeting will be prevention. The Committee will be expected to make followup recommendations to the Administrator in light of the budgetary changes and conference proceedings. The prevention conference discussions can provide an opportunity for members to: (1) identify ADM prevention strategies appropriate to minority population needs and concerns; (2) identify barriers and means to ease them; (3) begin a networking process among minority and non-minority prevention practitioners and organizations; and (4) identify local minority leadership in the field of prevention.

Substantive program information may be obtained from the contact person listed above. Attendance by the public will be limited to space available. Mr. James C. Helsing, Deputy Director, Office of Communications and Public Affairs will furnish on request summaries of the meeting and a roster of the Committee.

members. Mr. Helsing is located in Room 6C-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857—(301) 443-3783.

Dated: May 21, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-15687 Filed 5-26-81; 8:45 am]

BILLING CODE 4110-88-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-53]

Intended Environmental Impact Statements; Certain Projects in Florida, Montana, Utah, and Wyoming

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: Meadow Woods Planned Unit Development, South Orange County, Florida; Spring Creek Planned Development, Big Horn County, Montana; Westlake 4000 and 5600 Planned Developments, West Valley City, Utah and Brook Hollow Subdivision, Evanston, Wyoming. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the Federal Register a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected

more than one year after the publication of the Notice in the Federal Register, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., May 18, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS on Meadow Woods, South Orange County, Florida

The Department of Housing and Urban Development intends to prepare an EIS on the project described below and solicits information and comments for consideration in the EIS.

Description. The proposed new development, located in South Orange County, and adjacent to the Osceola County Line, will encompass 3000 acres and will include 5557 units over the next 15 years. This project is a Planned Unit Development (PUD) consisting of single family homes, row housing, townhouses, and cluster housing. There will also be acreage available for streets, roads, civic, commercial, office, church, schools and recreational uses.

Needs. An EIA is proposed because this project is located partially within the 100 year floodplain and wetlands, as defined by Executive Order 11988 and Executive Order 11990. Other Environmental issues concerning the proposed project that are now perceived include noise and wastewater treatment.

Scoping. This Notice is part of the process used for scoping the EIS, and any responses received will help determine significant environmental issues and identify data which the EIS should address. A scoping meeting has been planned for Thursday, June 4, 1981, at 10:00 a.m., in Room 297 of the Federal Office Building, located at 80 North Hughey Avenue, Orlando, Florida.

Alternatives Perceived. Alternatives perceived at this point include rejection of project, acceptance as proposed, or acceptance with mitigative conditions.

Comments. Comments concerning this development are invited from all interested parties and should be sent on or before June 17, 1981, to M. Jeanette Porter, Service Office Supervisor, U.S. Department of Housing and Urban Development, Post Office Box 1400, Orlando, Florida 32802. Additional information on the proposal can also be obtained from the above address. The estimated date for completion of this Draft EIS is September 1982.

Appendix—EIS on the Spring Creek Planned Development, Big Horn County, Montana

The HUD Area Office in Denver,

Colorado, intends to prepare an EIS on the Spring Creek development as described below, and requests information and comments for consideration in the EIS.

Description. Approximately 964 dwelling units will be constructed on 311 acres near the northwest shore of the Tongue River Reservoir in southeastern Big Horn County. The development is about 9 miles north of the Decker, Montana post office and about 30 miles north of Sheridan, Wyoming.

Need. An EIS is required because the total number of dwelling units exceeds a HUD established threshold. The purpose of this development is to provide housing and services for miners employed at coal strip mines in the immediate vicinity of Spring Creek.

Alternatives. The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer, or reject participation in the development.

Scoping. A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Big Horn County, Montana.

Comments. Comments should be forwarded on or before June 17, 1981, to: Mr. Carroll F. Goodwin, Area Environmental Clearance Officer, U.S. Department of Housing and Urban Development Area Office, 1405 Curtis Street—Executive Tower Inn, Denver, Colorado 80202. The commercial telephone number is (303) 837-4513 and the FTS number is 837-3103.

Appendix—EIS on the Westlake 4000 and 5600 Planned Developments, West Valley City, Utah

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on the master planned area containing the Westlake 4000 and 5600 developments as described below and requests information and comments for consideration in the EIS.

Description. Approximately 7000 dwelling units will be constructed on 1,300 acres. Westlake is located between 3600 to 5600 west and 2400 south to 3300 south in the city of West Valley City, Utah.

Need. An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

Alternatives. The alternatives are

HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer, or reject participation in the development.

Scoping. A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This Notice will also appear in a paper of local circulation in West Valley City, Utah.

Comments. Comments should be forwarded on or before June 17, 1981, to: Mr. Carroll F. Goodwin, Area Environmental Clearance Officer, U.S. Department of Housing and Urban Development Area Office, 1405 Curtis Street—Executive Tower Inn, Denver, Colorado 80202. The commercial telephone number is (303) 837-4513 and the FTS number is 327-3103.

Appendix—EIS on the Brook Hollow Subdivision, Evanston, Wyoming

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on the master planned area as described below and requests information and comments for consideration in the EIS.

Description. Approximately 811 dwelling units will be constructed on 160 acres adjacent to the Aspen Groves Development in the southeast portion of the city of Evanston, Wyoming.

Need. An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

Alternatives. The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer, or reject participation in the development.

Scoping. A scoping meeting will not be held. HUD will request input from the appropriate governmental agencies and service organizations. This Notice will also appear in a newspaper of local circulation in Evanston, Wyoming.

Comments. Comments should be forwarded on or before June 17, 1981, to: Mr. Carroll F. Goodwin, Area Environmental Clearance Officer, U.S. Department of Housing and Urban Development Area Office, 1405 Curtis Street—Executive Tower Inn, Denver, Colorado 80202. The commercial telephone number is (303) 837-4513 and the FTS number is 327-3103.

[FPR Doc. 81-15637 Filed 5-26-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. NI-54]

Intended Environmental Impact Statements; Deerfield Housing Development and Summertree Planned Unit Development, Madison, Miss.

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: Deerfield Housing Development, Madison County, Mississippi and Summertree Planned Unit Development, Madison, Mississippi. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the Federal Register a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the Federal Register, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., May 18, 1981.
Francis G. Haas,
Deputy Director, Office of Environmental Quality.

Appendix—EIS on Deerfield Housing Development, Madison County, Mississippi

The Jackson Area Office of the U.S. Department of Housing and Urban Development intends to prepare an Environmental Impact Statement (EIS) for the housing development described below and solicits comments and information for consideration in the EIS.

Description. Deerfield Housing Development is a phased, long-range development of 1,250 acres in

southeastern Madison County, Mississippi. Phase I of the development consists of 159 residential lots on 70.4 acres. The developer, J. D. Rankin, has also constructed a golf course and will soon complete a clubhouse, tennis courts and a swimming pool. Development of Deerfield is expected to occur over a 10-15 year period. HUD participation is requested under the Section 203(b) mortgage insurance program.

Need. An EIS will be prepared for the above project in compliance with HUD regulation 24 CFR Part 50.31 which automatically requires an EIS when there exists the potential and reasonable likelihood that 500 or more lots will be developed in a county which has 50,000 or less population. HUD's action involves review of the application to determine if the development meets prescribed development standards and, if so, to issue commitments for FHA (Section 203(b)) mortgage insurance.

Alternatives Perceived. HUD alternatives include: (1) Approve the project as submitted, (2) approve the project with conditions or modifications, and (3) disapprove the project.

Scoping. This notice will be placed on record and will stand as the date the scoping process required by the Council on Environmental Quality's regulation 40 CFR Part 1501.7 was initiated. No scoping meeting will be held.

Comments. Comments are requested from all agencies, groups or persons on environmental concerns which HUD should address as significant issues in the EIS. Responses will be used to help (1) determine significant environmental issues; (2) identify data which the EIS should address; and (3) identify cooperating agencies. Written comments will be received on or before June 17, 1981, and should be addressed to: Mr. James S. Roland, Area Manager, Jackson Area Office, U.S. Department of Housing and Urban Development, Room 1016 U.S. Federal Building, 100 West Capitol Street, Jackson, Mississippi 39212. The commercial telephone number (601) 960-4702 and FTS 960-4702.

Appendix—EIS on Summertree Planned Unit Development, Madison, Mississippi

The Jackson Area Office of the U.S. Department of Housing and Urban Development intends to prepare an Environmental Impact Statement (EIS) for the housing development described below and solicits comments and information for consideration in the EIS.

Description. Summertree Planned Unit Development (PUD) is located wholly within the city limits of Madison, Mississippi. Development of an 850 acre

tract is expected to occur over a 10-12 year period in four distinct phases. Phase I of the PUD has been named the village of Woodgreen, and 98 residential lots have been platted. Additional residential and some commercial development is also expected for Phase I. HUD participation is requested under the Section 203(b) mortgage insurance program.

Need. An EIS will be prepared for the above project in compliance with HUD regulation 24 CFR Part 50.31 which automatically requires an EIS when there exists the potential and reasonable likelihood that 500 or more lots will be developed in a county which has 50,000 or less population. HUD's action involves review of the application to determine if the development meets prescribed development standards and, if so, to issue commitments for FHA (Section 203(b)) mortgage insurance.

Alternatives Perceived. HUD alternatives include: (1) Approve the project as submitted, (2) approve the project with conditions and/or modifications, and (3) disapprove the project.

Scoping. This notice will be placed on record and will stand as the date the scoping process required by the Council on Environmental Quality's regulation 40 CFR Part 1501.7 was initiated. No scoping meeting will be held.

Comments. Comments are requested from all agencies, groups or persons on environmental concerns which HUD should address as significant issues in the EIS. Responses will be used to help (1) determine significant environmental issues; (2) identify data which the EIS should address; and (3) identify cooperating agencies. Written comments will be received on or before June 17, 1981, and should be addressed to: Mr. James S. Roland, Area Manager, Jackson Area Office, U.S. Department of Housing and Urban Development, Room 1016 U.S. Federal Building, 100 West Capitol Street, Jackson, Mississippi 39212. The commercial telephone number (601) 960-4702 and FTS 960-4702.

[FR Doc. 81-15638 Filed 5-26-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. NI-55]

Intended Environmental Impact Statement; San Antonio Plaza Redevelopment Project, Calif.

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under a HUD program as described in the appendix of the Notice: San Antonio Plaza

Redevelopment Project, California R-90, Fifth Plan Amendment. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person and address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the Federal Register a Draft EIS has not been filed on the project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the Federal Register, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., May 19, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS on the San Antonio Plaza Redevelopment Project Fifth Plan Amendment, California R-90, in San Jose, California

The Redevelopment Agency of the City of San Jose, California intends to have prepared an EIS on the project described below and solicits information and comments for consideration in the EIS.

Description: The San Antonio Redevelopment Project is a downtown urban renewal project in execution since March 1969. This project is currently being carried out under the HUD Community Development Block Grant Program. Project activities are about 80 percent complete with a pedestrian mall completed and a State Office Building under construction.

An urban renewal plan change calling for the added expenditure of an estimated \$7,000,000 is proposed. The plan change involves additional acquisition, street improvements, and relocation of families, individuals and businesses.

The project reuse is proposed for change. The new reuse would call for a

hotel, office and parking space, new residential uses, as well as retail space. The current reuse calls for mainly retail uses.

Need: The City in cooperation with HUD has determined that an EIS is necessary due to the scope of the changes and due to environmental regulations and probable impact on transportation systems and city services.

Alternatives Perceived: At this time City alternatives are: High Intensity reuse as proposed, Lower Intensity no change in reuse, or Exclusive Office with no retail, hotel, or residential reuse.

Scoping: This notice is part of the process used for scoping the final EIS, and responses will be used to help determine significant environmental issues; identify data which the EIS should address; and identify cooperating agencies.

Comments: Comments regarding this proposal should be sent as soon as possible from the time of publication in the Federal Register to: David K. Boggini, Director Redevelopment Agency of San Jose, 801 North First Street, Room 408, San Jose, California 95110.

[FR Doc. 81-15639 Filed 5-26-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

(Serial Nos. I-2448, I-2834, I-3663)

Idaho; Partial Termination of Classification for Multiple-Use Management

May 18, 1981.

1. Pursuant to authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 FR 10526), I hereby terminate the Bureau of Land Management Multiple-Use Classifications Orders dated July 2, 1969, December 4, 1970, and November 13, 1970 (Serial Nos. I-2448, I-2834, I-3663) published in the Federal Register July 10, 1979, 34 FR 1429, December 11, 1970, and 35 FR 18883 and November 20, 1970, 35 FR 17862, insofar as they affected the lands described below:

Boise, Meridian, Idaho (I-2488)

Reno Diversion Site

T. 8 N., R. 30 E.,

Sec. 3, S½NE¼, N½SE¼.

Reno Ditch Recreation Site

T. 8 N., R. 31 E.,

Sec. 7, SE¼SE¼;

Sec. 17, NW¼NW¼;

Sec. 18, NE¼NE¼.

Pass Creek Recreation Site

T. 9 N., R. 29 E.,
Sec. 3, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Scott Butte, Birch Creek Recreation Sites

T. 9 N., R. 30 E.,
Sec. 21, E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 27, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Medicine Lodge, Horse Pasture Recreation Sites

T. 11 N., R. 33 E.,
Sec. 2, Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 3, Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 12, MW $\frac{1}{4}$ NE $\frac{1}{4}$.

Patelzick Recreation Sites

T. 12 N., R. 35 E.,
Sec. 24, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;
T. 12 N., R. 36 E.,
Sec. 19, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 598.69 acres in Clark County.

Boise Meridian, Idaho (I-2834)**Ras Canyon Campground**

T. 4 N., R. 24 E.,
Sec. 2, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 3, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

School House Canyon Recreation Site

T. 5 N., R. 24 E.,
Sec. 35, Lot 4.

March Canyon Campground

T. 5 N., R. 25 E.,
Sec. 29, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Diversion Campground

T. 6 N., R. 25 E.,
Sec. 14, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 239.82 acres in Custer County.

Boise Meridian, Idaho (I-3663)**Sage Junction Interchange Study Area**

T. 6 N., R. 36 E.,
Sec. 22, SE $\frac{1}{4}$;
Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$.

The area described aggregates 240 acres in Jefferson County.

2. The segregative effect on the lands described in this order will terminate upon publication of this notice in the Federal Register as provided by the regulations in 43 CFR 2461.5(c)(2).

Robert O. Buffington,
State Director.

[FR Doc. 81-13614 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-6717-A2]

Alaska Native Claims Selection

On December 5, 1975, Ohgsenakle Corporation, for the Native village of Portage Creek, filed selection application AA-6717-A2, under the provisions of the Alaska Native Claims

Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the Portage Creek area.

On November 14, 1978, the State of Alaska filed general purposes grant selection applications AA-21798, AA-21808, and AA-21813, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b)), for certain lands in the Portage Creek area.

The following described lands have been properly selected by Ohgsenakle Corporation. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select *vacant, unappropriated, and unreserved* public lands in Alaska. Therefore, the following State selection applications are hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)**State Selection AA-21798**

T. 15 S., R. 52 W.,
Sec. 26, all;
Secs. 31 to 36, inclusive, all;
Containing approximately 4,470 acres.

State Selection AA-21808

T. 16 S., R. 53 W.,
Secs. 1 to 36, inclusive, all;
Containing approximately 23,012 acres.

State Selection AA-21813

T. 17 S., R. 53 W.,
Secs. 4 to 9, inclusive, all;
Secs. 16 to 21, inclusive, all;
Secs. 28, 29, 30 and 33, all;
Containing approximately 10,071 acres.
Aggregating approximately 37,553 acres.

The State selected lands rejected above were not valid selections and will not be charged against the village corporation as State selected lands. Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date. State Selection application AA-21808 is rejected in its entirety and the case file will be closed of record when this decision becomes final.

As to the lands described below, the application submitted by Ohgsenakle Corporation is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(b) of ANCSA, aggregating approximately 60,565 acres, is considered proper for acquisition by Ohgsenakle Corporation and is hereby approved for conveyance

pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Seward Meridian, Alaska (Unsurveyed)

T. 15 S., R. 52 W.,
Sec. 26, all;
Secs. 31 to 36, inclusive, all;
Containing approximately 4,470 acres.
T. 16 S., R. 53 W.,
Secs. 1 to 36, inclusive, all;
Containing approximately 23,012 acres.
T. 16 S., R. 53 W.,
Secs. 1 to 36, inclusive, all;
Containing approximately 23,012 acres.
T. 17 S., R. 53 W.,
Secs. 4 to 9, inclusive, all;
Secs. 16 to 21, inclusive, all;
Secs. 28, 29, 30 and 33, all;
Containing approximately 10,071 acres.
Aggregating approximately 60,565 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)).

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

The grant of lands shall be subject to:
1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Ohgsenakle Corporaton has been reallocated 61,553 acres of land pursuant to Sec. 12(b) of the Alaska Native Claims Settlement Act. To date, approximately 60,565 acres of the 12(b) reallocation have been approved for conveyance. The remaining entitlement of approximately 988 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be granted to the Bristol Bay Native Corporation when conveyance is granted to Ohgsenakle Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies within the described lands considered to be navigable.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week for four (4) consecutive weeks, in the Anchorage Times.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska, 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate; and parties who failed or refused to sign the return receipt shall have until June 26, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau

of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501; Ohgsenakle Corporation, Portage Creek, Alaska 99576;

Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-15660 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 10622 and NM 10622, Amdt. 1]

New Mexico; Termination of Classification of Public Lands for Multiple Use Management

May 18, 1981.

1. On August 26, 1970 (FR, Vol. 35, No. 166, pages 13587-13589), the public lands described in the notice aggregating approximately 113,595 acres were classified for multiple use management under the Act of September 19, 1964 and segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. Sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). On December 17, 1970 (FR, Vol. 35, No. 244, page 19137), an additional 9,520 acres were classified and similarly segregated under NM 10622, Amdt. 1.

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classifications referred to under paragraph 1 above are hereby terminated. This action will restore the lands to operation of the public land laws generally, subject to valid existing rights and the requirements of applicable law. The lands have been open continually to the mining laws and to applications and offers under the mineral leasing laws. Inquiries concerning these lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-15702 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 2639]

New Mexico; Termination of Classification of Public Lands for Multiple Use Management

May 18, 1981.

1. On September 29, 1967 (FR, Vol. 32, No. 189, pages 13673-13674), the public

lands described in the notice aggregating approximately 605,200 acres were classified for multiple use management under the Act of September 19, 1964 and segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). On October 7, 1970 (FR Vol. 35, No. 195, page 15768), the NE $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 20, T. 5 S., R. 18 E., totalling 40 acres, and included in notice of September 29, 1967, was further segregated from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws.

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification aggregating approximately 605,160 acres published in FR notice of September 29, 1967, is hereby terminated. This action will restore the lands to the operation of the public land laws generally, subject to valid existing rights and the requirements of applicable law. The lands have been open continually to the mining laws and to applications and offers under the mineral leasing laws. The 40 acres described under NM 2639, Amdt. 1, remain segregated as specified in the notice.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-15703 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 0560202]

New Mexico; Termination of Classification of Public Lands for Multiple Use Management

May 18, 1981.

1. On November 3, 1966 (FR, Vol. 31, No. 214, pages 14085-14086), the public lands described in the notices aggregating approximately 920,000 acres were classified for multiple use management under the Act of September 19, 1964 and segregated from appropriation under the Homestead, Desert Land, and Allotment Laws (43 U.S.C. parts 7 and 9, and 25 U.S.C. 334), and from sale under 2455 of the Revised Statutes (43 U.S.C. 1171).

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification referred to under Item 1 above is hereby terminated. This action will restore the lands to operation of the public land laws generally, subject to valid existing rights and the requirements of

applicable law. The lands have been open continually to the mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,
Chief, Division of Technical Services.

[FR Doc. 81-13704 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Availability of Plan of Operations for the Purpose of Oil Drilling; Big Cypress National Preserve; Extension of Comment Period

On April 15, 1981, the National Park Service published in the *Federal Register*, Volume 46, Number 72, Pages 22043-22044, the availability for comment and review of a Plan of Operations submitted by Bass Enterprises Production Company for the purpose of oil drilling in the Turner River Road area of the Big Cypress National Preserve. Notice is hereby given that the comment period will be extended an additional 30 days through June 15, 1981. Copies of the Plan of Operations are available for review during normal business hours at Everglades National Park Headquarters, Route 27, 12 miles south of Homestead, Florida; at Big Cypress National Preserve, 850 Central Avenue, Room 300, Naples, Florida; and the National Park Service, Southeast Regional Office, 75 Spring Street, S.W., Atlanta, Georgia. Comments should be received on or before June 26, 1981. For further information contact Pat Tolle, Management Assistant, Everglades National Park, (305) 247-6211.

Dated: May 20, 1981.

G. W. Ogle,
Acting Regional Director, Southeast Region.

[FR Doc. 81-15699 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-70-M

Availability of Plan of Operations for the Purpose of Oil Drilling; Big Cypress National Preserve; Extension of Comment Period

On April 20, 1981, the National Park Service published in the *Federal Register*, Volume 46, Number 75, Page 22260, the availability for comment and review of a Plan of Operations submitted by Hughes and Hughes for the purpose of oil drilling in the Baxter Island area of the Big Cypress National Preserve. Notice is hereby given that the

comment period will be extended an additional 30 days through June 20, 1981. Copies of the Plan of Operations are available for review during normal business hours at Everglades National Park Headquarters, Route 27, 12 miles south of Homestead, Florida; at Big Cypress National Preserve, 850 Central Avenue, Room 300, Naples, Florida; and the National Park Service, Southeast Regional Office, 75 Spring Street, S.W., Atlanta, Georgia. Comments should be received on or before June 26, 1981. For further information contact Pat Tolle, Management Assistant, Everglades National Park, (305) 247-6211.

Dated: May 20, 1981.

G. W. Ogle,
Acting Regional Director, Southeast Region.

[FR Doc. 81-15701 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-70-M

Cape Cod National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with Public Law 92-463, 86 Stat. 770 (5 U.S.C. App. 1 § 10) that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, June 12, 1981 at 1:30 p.m. at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts.

The Commission was established pursuant to Public Law 91-383 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The members of the Advisory Commission are as follows:

Dexter M. Keezer, Truro
Francis R. King, Wellfleet
Nathan Malchman, Provincetown
Barbara S. Mayo, Provincetown
Joshua A. Nickerson, Chatham
David F. Ryder, Chatham
Sherrill B. Smith, Jr., Orleans
Clifford H. White, Wrentham
Elizabeth F. Worthing, Eastham
Paul F. Nace, Jr., Woods Hole

At the meeting at 1:30 p.m. the Commission will consider the following matters:

Status of the South Hollow Wellfield Reclamation efforts of the Town of Provincetown.

The afternoon meeting will be preceded by a field trip at 10:30 a.m. to the various wellfields currently supplying water to Provincetown on a permanent or emergency basis.

The meeting is open to the public. It is expected that up to 15 persons will be able to attend the session in addition to the Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Herbert Olsen, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663, Telephone 617-349-3785. Minutes of the meeting will be available for public information and copying four weeks after the meeting at the Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Herbert Olsen,
Superintendent, Cape Cod National Seashore.
May 15, 1981.

[FR Doc. 81-15700 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Privacy Act of 1974; Revision and Update of Systems of Records

This notice updates and revises the information which the Department of the Interior has published describing systems of records maintained which are subject to the requirements of Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. Except as noted below, all changes being published are editorial in nature, and reflect organization changes and other minor administrative revisions which have occurred since the publication of the material in the *Federal Register* on April 11, 1977 (42 FR 18968), and August 21, 1980 (45 FR 55838).

One Departmental system of records titled: Personnel Research Records, Interior—OS-98 (Published at 43 FR 37496), which is no longer maintained as a separate Departmental system of records, is deleted. The records formerly included in OS-98 have been incorporated into a government-wide system of records titled: Personnel Research and Test Validation Records, OPM/GOVT-6, established by the Office of Personnel Management.

A new Departmental system of records titled: Grievance Records—Interior, Office of the Secretary—74 is published in its entirety below. This new system of records applies to Departmental records previously included in a government-wide system titled: Grievance Records, OPM/GOVT-2 formerly maintained by the Office of Personnel Management.

Two separate Departmental systems or records, which include the same types of records, are combined for the

purpose of reducing unnecessary recordkeeping and paperwork. The records system titled: Office Operations Records on Employees, Bureau System—Interior, Office of the Secretary—59 (Published at 42 FR 19025) is deleted. Those records are now included in the Departmental system titled: Office Operations Records on Employees, Department System—Interior, Office of the Secretary—58 (Published at 42 FR 19025).

The following existing system notices are updated and republished in their entirety below:

1. System Name: Library Circulation Control System—Interior, Office of the Secretary—35 (Published at 42 FR 19021).
2. System Name: Office Operations Records on Employees, Department System—Interior, Office of the Secretary—58 (Published at 42 FR 19025).
3. System Name: Applicant Files—Interior, Office of the Secretary—70 (Published at 45 FR 55838).
4. System Name: Personnel Data Files (Automated)—Interior, Office of the Secretary—79 (Published at 42 FR 19031).
5. System Name: Emergency Loan Fund Committee Loan Records—Interior, Office of the Secretary—80 (Published at 42 FR 19031).
6. System Name: Executive and Manager Development Program—Interior, Office of the Secretary—82 (Published at 42 FR 19032).

Additional information regarding this notice may be obtained from the Departmental Privacy Act Officer, Office of Information Resources Management, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-6191.

Dated: May 18, 1981.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

INTERIOR/OS-35

SYSTEM NAME:

Library Circulation Control System—Interior, Office of the Secretary—35.

SYSTEM LOCATION:

(1) Center for Information and Library Services, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Libraries maintained by bureaus and offices of the department. (List of addresses may be obtained from the System Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Borrowers of library materials from Department of the Interior libraries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Borrowers' name and working address, book call number and due date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

43 U.S.C. 67a, 1456, 1467, 40 U.S.C. 483(b), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is control of library materials. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual card file.

RETRIEVABILITY:

Name, call number, date due.

SAFEGUARDS:

Attended constantly during working hours, library locked thereafter.

RETENTION AND DISPOSAL:

Current year plus one, disposed of in regular trash.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Center for Information and Library Services, Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records shall be addressed to the System Manager with respect to records located in the Center for Information and Library Services, and to individual librarians with respect to records located in the facility for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the System Manager, with respect to records located in the Center for Information and Library Services, and to individual librarians with respect to records located in the facility for

which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual using library services.

INTERIOR/OS-58

SYSTEM NAME:

Office Operations Records on Employees, Department System—Interior, Office of the Secretary—58.

SYSTEM LOCATION:

All Departmental bureaus and offices including regional and field facilities thereof. (See Appendix for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees of the Department of the Interior.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records involving operational relationships between the employee and the office in which the employee works. These records include: workload and productivity records for scheduling purposes; travel activity and budgets; accident and safety records, property accountability; studies and special projects; committee and detail assignments; locator indexes, parking space assignments, and similar records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 3101, 5105-5115, 5501-5516, 5701-5709, 31 U.S.C. 66a, 240-243, 40 U.S.C. 483(b), 43 U.S.C. 1467, 44 U.S.C. 3101, Executive Order No. 11807.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are to administer the employee's relationship to the activities and functions of the office. Disclosures outside the Department of the Interior may be made: (1) to the Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) to

members of Congress in response to an inquiry made at the request of the individual of record.

POLICY AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders or card files, file cabinets, or computer files.

RETRIEVABILITY:

By name or control number assigned to employee.

SAFEGUARDS:

In accordance with the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Retained until completion of work project or activity to which the record pertains, or until separation of the employee, at which time the record is disposed of in accordance with appropriate records schedules.

SYSTEM MANAGER(S) AND ADDRESS:

For the records located in the office in which the individual is (or was) employed, the head of such office. See Appendix for addresses.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the head of the office in which the individual is (or was) employed. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access to records should be addressed to the head of the requester's office at the facility at which he/she is (or was) employed. See 43 CFR 2.61 for submission requirements.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies or is obtained through internal office procedures with which the individual is involved.

INTERIOR/OS-70

SYSTEM NAME:

Applicant Files—Interior, Office of the Secretary—70.

SYSTEM LOCATION:

(1) Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.
(2) Office of Hearings and Appeals, U.S.

Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203. (3) Office of Water Research and Technology, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

CATEGORIES OR INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applicants, recommendations, interview notes and other documents utilized to determine eligibility, suitability and qualifications for Federal civilian employment maintained subject to applicable Office of Personnel Management requirements, including Office of Personnel Management Rule VI and Chapter 302 of the Federal Personnel Manual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 3101, 43 U.S.C. 1457, Reorganization Plan 3 of 1950.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is for the hiring of applicants. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Current applications retained.

SYSTEM MANAGER(S) AND ADDRESS:

(1) For the Office of the Solicitor: Director of Administration, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. (2) For the Office of Hearings and Appeals: Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203. (3) For the Office of Water Research and Technology: Director, Office of Water Research and Technology, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the appropriate systems manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the appropriate System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(5), the Department of the Interior has adopted a regulation, 43 CFR 2.79(c), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (1) and (f) to the extent that it consists of investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

INTERIOR/OS-74

SYSTEM NAME:

Grievance Records—Interior, Office of the Secretary—74.

SYSTEM LOCATION:

These records are located in Departmental personnel or designated offices in which the grievances were filed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Departmental employees who have submitted grievances in accordance with part 771 of Office of Personnel Management regulations (5 CFR 771), or a negotiated procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by Department employees under part 771 of Office of Personnel Management regulations. These case files contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that the Department may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954-1958 Comp. p218.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of any employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the

information is relevant and necessary to the requesting agency's decision on the matter.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2908.

g. By the agency maintaining the records in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

h. To disclose information to officials of the Office of Personnel Management; Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

i. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

j. To provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

The records compiled under 5 CFR 771 are disposed of 3 years after closing of the case. Records compiled under a negotiated procedure are disposed of in accordance with approved records schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel, U.S. Department of the Interior, 18th & C Streets, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the Department personnel or designated office where the action was processed, regarding the existence of such records on them. They must furnish the following information for their record to be located and identified: name, date of birth, approximate date of closing of the case and kind of action taken, and organizational component involved. See 43 CFR 2.60.

RECORDS ACCESS PROCEDURES:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the Departmental personnel or designated office where the action for their records to be located and identified: name, date of birth, approximate date of closing of the case and kind of action taken, and organizational component involved. Individuals requesting access must also follow the requirements in 43 CFR 2.61.

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding. Individuals wishing to request amendment to their records to correct factual errors should contact the Departmental personnel or designated office where the grievance was processed. Individuals must furnish the following information for their records to be located and identified: name, date of birth, approximate date of closing of the case and kind of action taken, and

organizational component involved. See 43 CFR 2.71.

RECORDS SOURCE CATEGORIES:

Information in this system of records is provided by the individual on whom the record is maintained, by testimony of witnesses, by agency officials, by grievance examiners, by arbitrators, and from related correspondence from organizations or persons.

INTERIOR/OS-79

SYSTEM NAME:

Personnel Data Files (Automated)—Interior, Office of the Secretary—79.

SYSTEM LOCATION:

Data processing centers of the Department of the Interior in Washington, D.C. at U.S. Department of the Interior, Washington, D.C. 20240; Denver, Colorado, at U.S. Bureau of Mines, Denver Federal Center, P.O. Box 25407, Denver, Colorado 80225 and Water and Power Resources Service, Engineering and Research Center, Denver Federal Center, P.O. Box 25007, Denver, Colorado 80225; Albuquerque, New Mexico, at Bureau of Indian Affairs, P.O. Box 2088, Albuquerque, New Mexico 87103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees and recently separated employees of the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel records relating to individuals employed in the Department and consisting of these categories: BUREAU—biographic, position, transaction and training records. DEPARTMENT—biographical, transaction, and training records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 2951, 4118, 4308, 4506, 3101, 43 U.S.C. 1457, Reorganization Plan 3 of 1950, Executive Order 10561 (September 13, 1954).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are in accordance with, or in addition to the records described by the Office of Personnel Management. These systems are used (a) to provide data for the governmentwide and Departmentwide central personnel files; (b) to produce day-to-day personnel management action, such as notification of personnel actions, automatic notices (e.g. conversion to career tenure, length of service awards, within grade increases) and to provide input to produce payroll

and financial management actions; (c) used as an employee locator file and to provide information for organization and position management matters; (d) to provide information on current and potential executive level employees in an executive retrieval system; and (e) as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records were collected and maintained or related personnel management functions or manpower studies. Disclosures outside the Department of the Interior may be made (1) to the Office of Personnel Management to respond to their requests; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to any inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tape, drum, disk, punched cards, and in computer printouts.

RETRIEVABILITY:

Records are indexed by name, date of birth, and social security account number of the employee.

SAFEGUARDS:

Records are located in facilities adequately secure to meet criteria established in 5 CFR 293.109.

RETENTION AND DISPOSAL:

Records are destroyed five years after individual ceases to be employed.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Department System: Director of Personnel, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240. (2) Bureau System: Bureau Personnel Officer. (See Appendix for addresses of bureau headquarters offices.)

NOTIFICATION PROCEDURE:

An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to: Personnel Officer who

services the installation where the employee is (or was) employed.

RECORD ACCESS PROCEDURE:

Current and past Federal employees who wish to gain access to their files should contact: Personnel Officer servicing installation where employee is (or was) employed.

CONTESTING RECORD PROCEDURES:

Current and past Federal employees who wish to contest their files should contact: Personnel Officer servicing installation where employee is (or was) employed.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied.

INTERIOR/OS-80

SYSTEM NAME:

Emergency Loan Fund Committee Loan Records—Interior, Office of the Secretary—80.

SYSTEM LOCATION:

Emergency Loan Fund Treasurers at (1) Office of Secretarial Operations—Fiscal, (2) Bureau of Land Management, (3) Fish and Wildlife Service, (4) Water and Power Resources Service, all at Interior Bldg., 18th and C Streets, N.W., Washington, D.C. 20240, (5) Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, (6) Bureau of Indian Affairs, Interior Bldgs., South, 1951 Constitution Ave., N.W., Washington, D.C. 20240, (7) Headquarters, Geological Survey, 12201 Sunrise Valley Dr., Reston, Va. 22092, (8) National Park Service, 1100 Ohio Drive, S.W., Washington, D.C., (9) Bureau of Mines, Columbia Plaza, 2401 E Street, N.W., Washington, D.C. 20242.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Department of the Interior who have applied for emergency loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name, grade, and organization of person applying for a loan. Contains a statement of need for the loan written by the employee and endorsed by his supervisor. Contains a record of action taken by the Emergency Loan Committee, a schedule of repayments and a history of how repayment was accomplished.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 3101, 43 U.S.C. 1457i, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are for application, approval, processing and accounting of emergency loans. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in manual form in file folders.

RETRIEVABILITY:

Indexed by name of borrower.

SAFEGUARDS:

Stored in file cabinets in locked rooms.

RETENTION AND DISPOSAL:

Destroyed one year after the loan is either repaid, or declared uncollectible.

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, Emergency Loan Fund, Office of Personnel Management, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Contact the Treasurer of the Emergency Loan Fund servicing your bureau and work location. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Contact the Treasurer of the Emergency Loan Fund which services your bureau and work location. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

Contact the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the individual and from his supervisor.

INTERIOR/OS-82**SYSTEM NAME:**

Executive and Manager Development Program (EMDP)—Interior, Office of the Secretary—82.

SYSTEM LOCATION:

Office of personnel, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) present participants in the EMDP Program; (2) former participants in the program; (3) nominees selected or not selected for the program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Nomination documents, reports of training assignments, evaluation statements list of graduates and placement assignments of current participants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301, P.L. 91-616, P.L. 92-255, P.L. 93-282, P.L. 79-658 (5 U.S.C. 7901) OMB Circular A-72.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses are (a) select candidates for the program; (b) to evaluate caliber or assignments; (c) evaluate performance of the participant; (d) determine or assist in placement efforts; (e) track career of graduates to determine success of program. Disclosures outside the Department of the Interior may be made, (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (4) to a Federal Agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, and, (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring

or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained manually in file folders;

RETRIEVABILITY:

Indexed by name and/or by bureau;

SAFEGUARDS:

Participant records are maintained in lockable cabinets;

RETENTION AND DISPOSAL:

In accordance with established disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Employee Development, Office of Personnel, U.S. Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

A request for access must be presented in person or in writing and signed by the requestor with proof of identity. Individuals may inquire whether or not the system contains a record pertaining to them by contacting the systems manager cited above.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access should contact the systems manager cited above.

CONTESTING RECORD PROCEDURES:

Individuals who wish to contest their records should contact the systems manager cited above.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies, is derived from information supplied by the individual, or comes from agency officials.

[FR Doc. 81-15757 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-10-M

Office of Surface Mining Reclamation and Enforcement**Intent To Prepare an Environmental Impact Statement on a Mining and Reclamation Plan for a Surface Coal Mine Proposed by NERCO, Inc., for the Antelope Coal Mine**

[Federal Coal Lease Nos. W-0322255, W-0321780, B-031719]

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of Intent to prepare a draft environmental impact statement on a coal mining and reclamation plan.

SUMMARY: The Office of Surface Mining (OSM) has received a complete application from NERCO, Inc. for a mining and reclamation plan approval and permit pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA), for the proposed Antelope Coal Mine. OSM has determined that the approval or disapproval of this proposed mine is a significant Federal action affecting the human environment thus requiring an environmental impact statement (EIS).

The proposed surface coal mine would be located approximately 65 miles south of Gillette, 55 miles north of Douglas, and 60 miles west of Newcastle, Wyoming. The mine would cover approximately 7,641 acres of State and private surface, and Federal surface within the Thunder Basin National Grasslands. The mine would be in operation for approximately 28 years, with a maximum annual production of 12 million tons of coal.

OSM and the Geological Survey will prepare the EIS with assistance from the Wyoming Department of Environmental Quality (DEQ) and the Forest Service. The EIS will present alternative actions that the Department of Interior and the State of Wyoming could take on the mining and reclamation plan and the environmental impacts of these alternatives. The major alternatives thus far identified for Departmental consideration are:

- a. No action
- b. Approval of the Mining and Reclamation Plan
- c. Disapproval of the Mining and Reclamation Plan
- d. Approval of the Mining and Reclamation Plan with design modifications and/or with necessary stipulations to meet the requirements of SMCRA and the Wyoming Environmental Quality Act, and regulations pursuant to these Acts.

The EIS would be limited to a site-specific analysis of the Antelope Coal Mine within the permit area, adjacent areas, and regional areas. Since there are other energy developments, such as the WyCoalGas Gasification Plant, proposed for the same regional area as the proposed Antelope Mine, the cumulative impacts from all known developments will be evaluated using available information.

A public scoping meeting was held in Douglas, Wyoming, on January 28, 1981, to define potentially significant issues to assist OSM in making an EIS determination under the National

Environmental Policy Act. The major issues raised at this meeting included ground-water flow, coal train traffic, and impacts to the community of Douglas. Copies of the transcript of the public meeting are available for review at the Office of Surface Mining (at the address below), the Wyoming Department of Environmental Quality (at the address below), and the Converse County Library, Douglas, Wyoming.

The mining and reclamation plan submitted by NERCO Inc., is also available for public review during normal working hours at the Office of Surface Mining, Region V, second floor, Brooks Towers, 1020 15th Street, Denver, Colorado; the State of Wyoming Department of Environmental Quality, 401 West 19th Street, Cheyenne, Wyoming; and at the County Clerk's Office, Converse County, Douglas, Wyoming (307) 358-2244. Comments on the proposed plan and/or significant issues may be submitted to the Regional Director, Office of Surface Mining, at the Denver address for a 30-day period after publication of this notice.

FOR FURTHER INFORMATION CONTACT: Florence Munter-Schaller or Jerome J. Cuzella, Office of Surface Mining, Region V, Brooks Tower, 1020 15th Street, Denver, Colorado 80202.

Dated: May 19, 1981.

Andrew V. Bailey,

Acting Director, Office of Surface Mining.

[FR Doc. 81-15668 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-05-M

[Federal Coal Lease Nos. C-1545, C-28358, C-28359, C-076713, and D-044240; Also Pending Preference Right Lease Application C-0126999]

Intent To Prepare an Environmental Impact Statement on Northern Coal Company's Proposed Meeker Area Mine Complex

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Pursuant to § 1501.4 of Title 40, Code of Federal Regulations, the Office of Surface Mining (OSM) has determined that an environmental impact statement (EIS) is required on Northern Coal Company's proposed Meeker Area Mine complex to be located in Moffat and Rio Blanco Counties, Colorado. Northern Coal Company has submitted a mining and reclamation plan and permit application for the Meeker Area Mines to OSM pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The proposed expansion to two existing mines would be located 7½ miles northwest of Meeker, Colorado and would involve approximately 4,750 acres of Federal and private lands. This complex would expand the Northern No. 1 and Rienau No. 2 Mines operating underground coal mines, and open two new coal mines. The anticipated life of the operation for the four mines is 30 years with a maximum annual production rate of about 5 million tons.

OSM will prepare the EIS with assistance from the State of Colorado, Mined Land Reclamation Division, the U.S. Geological Survey, and the Bureau of Land Management. The EIS will evaluate alternative actions the Department may take on the mining plan and the environmental impacts of these alternatives.

Alternatives which will be evaluated include but are not limited to: disapproval of the applicant's proposal, approval of the applicant's proposal, approval of the applicant's proposal with modifications, and no action.

The potentially significant environmental impacts associated with this mine which have been identified are wildlife, hydrologic, subsidence, and transportation impacts. The EIS would be limited to a site-specific analysis of the Meeker Area Mines within the permit area, adjacent areas, and regional area.

The Office of Surface Mining held public scoping meetings on April 15, 1981 at Kilowatt Korner and at the Fairfield Center, Meeker Public Library in Meeker, Colorado to assist OSM in identifying potentially significant issues and thereby a determination under the National Environmental Policy Act. At the meeting OSM also solicited comments, pursuant to Section 761 Title 30, Code of Federal Regulations (30 CFR 761.12(d)), on Northern Coal Company's proposal to construct mining facilities within the 100 foot right-of-way of State Highway 13/789. The major issues the public raised at the meeting were transport of coal over the State highway, the potential for water drawdown by the mines, disruption to wildlife, and impacts to the community of Meeker. Copies of the transcript of the public meeting are available for review at the Office of Surface Mining (at the address below) and at the Rio Blanco and Moffat County Courthouses (at the address below).

The mining and reclamation plan submitted by Northern Coal Company is available for review at the Office of Surface Mining, Brooks Towers, 1020 15th Street, Denver, Colorado 80202; the State of Colorado, Department of

Natural Resources, 1313 Sherman Street, Denver, Colorado 80202; the Rio Blanco County Courthouse, Meeker, Colorado 81641 and Moffat County Courthouse, 221 W. Victory Way, Craig, Colorado 81625. Notice of the complete mining and reclamation plan being available for review was published in the "Meeker Herald" on March 12, 19, 26 and April 2, 1981.

FOR FURTHER INFORMATION CONTACT: Robert Schueneman, Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

Dated: May 19, 1981.

Andrew V. Bailey,

Acting Director, Office of Surface Mining.

[FR Doc. 81-15687 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-85F)]

Burlington Northern, Inc.— Abandonment—Between Wyoming and Lombardville, in Stark County, IL; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided May 14, 1981 a finding, which is administratively final, was made by the Commission, Review Board Number 1, that the public convenience and necessity permit the abandonment by Burlington Northern, Inc. (BN) of a line between Wyoming (milepost 18.0) and Lombardville (milepost 6.8), a distance of 11.1 miles in Stark County, IL, subject to the conditions for the protection of employees developed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979), and provided that BN shall keep intact all of the right-of-way underlying the track, including all bridges and culverts, for a period of 120 days from the date of issuance of the certificate, to permit any State or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of this line. A certificate of abandonment will be issued to BN based on these findings, unless within 15 days from the date of publication the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission,

Washington, DC 20423, no later than 10 days from publication of this Notice; and (2) it is likely that such proffered assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all or any portion of such line or railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or the amount of compensation a certificate of abandonment will be issued no later than 50 days after the Notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of a certificate for such time as the agreement (including any extensions of modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-15754 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Section 5b Application No. 2¹]

Western Railroads—Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of extension of interim approval.

SUMMARY: By decision served March 2, 1981, and noticed in the *Federal Register* March 11, 1981 (46 FR 16150) the Commission extended to May 21, 1981 interim approval or the proposed rate bureau agreements entered October 26, 1976 in Ex Parte No. 297 (Sub-No. 1). Interim approval was conditioned on

¹ This proceeding also embraces Section 5b Application No. 3, Eastern Railroads—Agreement, and Section 5b Application No. 6, Southern Railroads—Agreement.

compliance with our January 21, 1981 decision. The carriers have now filed new rate bureau agreements in order to comply with the January 21, 1981 decision. The new agreements must be examined so that the Commission can determine whether they do in fact comply. Therefore, interim approval of the old agreements is extended until a decision is reached regarding the new agreements, subject to the compliance with the terms of the January 21, 1981 decision. Bureau operations must be consistent with that decision.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: May 19, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Acting Chairman Alexis was absent and did not participate.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-15808 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. No. 1 to ICC Order No. 46 Under Service Order No. 1344]

Rerouting of Traffic

Upon further consideration of I.C.C. Order No. 46, and the adoption by the Commission of rules permitting carriers to reroute traffic without prior Commission authorization for reasons beyond their control, this order will expire as set forth in paragraph (g).

It is ordered, ICC Order No. 46 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., May 31, 1981, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., May 15, 1981.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 11, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-15693 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. No. 2 to ICC Order No. 41 Under Service Order No. 1344]

Rerouting of Traffic

Upon further consideration of I.C.C. Order No. 41, and the adoption by the Commission of rules permitting carriers to reroute traffic without prior Commission authorization for reasons beyond their control, this order will expire as set forth in paragraph (g).

It is ordered, ICC Order No. 41 is amended by substituting the following paragraph (g) for paragraph (g) thereof:
(g) *Expiration date.* The order shall expire at 11:59 p.m., May 31, 1981, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., May 15, 1981.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 11, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-15694 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. No. 1 to ICC Order No. 49 Under Service Order No. 1344]

Rerouting of Traffic

Upon further consideration of I.C.C. Order No. 49, and the adoption by the Commission of rules permitting carriers to reroute traffic without prior Commission authorization for reasons beyond their control, this order will expire as set forth in paragraph (g).

It is ordered, ICC Order No. 49 is amended by substituting the following paragraph (g) for paragraph (g) thereof:
(g) *Expiration date.* The order shall expire at 11:59 p.m., May 31, 1981, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:49 p.m., May 15, 1981.

This amendment shall be served upon the Association of American Railroads,

Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 11, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-15695 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. No. 2 to ICC Order No. 5 Under Service Order No. 1344]

Rerouting of Traffic

Upon further consideration of ICC Order No. 5, and the adoption by the Commission of rules permitting carriers to reroute traffic without prior Commission authorization for reasons beyond their control, this order will expire as set forth in paragraph (g).

It is ordered, ICC Order No. 5 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., May 31, 1981, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., May 15, 1981.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C. May 11, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-15696 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. No. 3 to ICC Order No. 3 Under Service Order No. 1344]

Middletown and Hummelstown Railroad Co.; Rerouting of Traffic

Upon further consideration of ICC Order No. 3, and the adoption by the Commission of rules permitting carriers to reroute traffic without prior Commission authorization for reasons beyond their control, this order will expire as set forth in paragraph (g).

It is ordered, ICC Order No. 3 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., May 31, 1981, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., May 15, 1981.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 11, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-15697 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. No. 2 to ICC Order No. 29 Under Service Order No. 1344]

Missouri-Kansas-Texas Railroad Company; Rerouting of Traffic

Upon further consideration of ICC Order No. 29, and the adoption by the Commission of rules permitting carriers to reroute traffic without prior Commission authorization for reasons beyond their control, this order will expire as set forth in paragraph (g).

It is ordered, ICC Order No. 29 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., May 31, 1981, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., May 15, 1981.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 11, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-15698 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. No. 3 to ICC Order No. 1 Under Service Order No. 1344]

New York, Susquehanna and Western Railway Corp.; Rerouting of Traffic

Upon further consideration of ICC Order No. 1, and the adoption by the Commission of rules permitting carriers to reroute traffic without prior Commission authorization for reasons beyond their control, this order will expire as set forth in paragraph (g).

It is ordered, ICC Order No. 1 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., May 31, 1981, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., May 15, 1981.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 11, 1981.
Interstate Commerce Commission.

Joel E. Burns,
Agent.

[FR Doc. 81-15090 Filed 5-26-81; 8:45 am]
BILLING CODE 7035-01-M

Office of Proceedings

[Volume No. 87]

Motor Carrier; Permanent Authority Decisions; Restriction Removals; Decision

Decided: May 21, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 88747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings:

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alsbaugh, and Shaffer.

James H. Bayne,

Acting Secretary.

MC 15975 (Sub-49)X, filed May 5, 1981. Applicant: BUSKE LINES, INC., P.O. Box 349, Litchfield, IL 62556. Representative: Howard H. Buske (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 13F, 17F, 20F, 24F, 25F, 27F, 28F, 29F, 30F, 33F, 34F, and 36F certificates to (A) broaden some commodity descriptions: Sub-No. 13, to "such commodities as are dealt in or used by manufacturers and distributors of foodstuffs" from canned and preserved foodstuffs; Sub-Nos. 28 and 29, "such commodities as are dealt in or used by brewers and distributors of malt beverages" from malt beverages; and Sub-Nos. 27 and 34, remove all restrictions in the general commodities authority "except classes A and B explosives"; and eliminate restrictive language "in tank vehicles," "in containers," "except in bulk," and "except size or weight"; (B) remove language restricting service to that originating at and destined to the named shipper facilities, in Sub-Nos. 17, 20, 24, 25, 27, 33, 34, and 36; and also delete exceptions excluding service in AK and HI in Sub-Nos. 17, 24, 27 and 30; and (C) replace one-way service with radial service, and substitute county-wide authority for the facilities and city points, as follows: Sub-No. 13, between (a) Newton County, MO (Neosho, MO), and, points in 11 States, and (b) Newton County, MO (Neosho, MO), and, Bond County, IL (Greenfield, IL); Sub-No. 17, Middlesex County, NJ (Edison, NJ), Erie County, NY (Erie, NY), Frederick and Cecil Counties, MD (Frederick and Elkton, MD), and Effingham and Williamson Counties, IL (Effingham and Herrin, IL), and, points in the U.S.; Sub-No. 20, Allen County, IN (Fort Wayne, IN) and Detroit, MI, and, St. Louis, MO (facilities near St. Louis, MO); Sub-No. 24, Crawford and Sebastian Counties,

AR (Fort Smith, AR), Jefferson and Nelson Counties, KY (Bardstown and Louisville, KY), Will and Kendall Counties, IL (Plainfield, IL), New Orleans, LA, and, points in the U.S.; Sub-No. 25, Nelson County, KY (Bardstown, KY), and, points in 11 States; Sub-No. 28, Rockingham County, NC (Eden, NC), Tarrant County, TX (Fort Worth, TX), Peoria County, IL (Peoria, IL), Houston County, GA (Perry, GA), Detroit, MI and Milwaukee, IL, and, Butler, Cape Girardeau, Dunklin, St. Francois and Howell Counties, MO (Bonne Terre, Cape Girardeau, Kennett, Poplar Bluff, and West Plains, MO); Sub-No. 30, Union and Hudson Counties, NJ (Elizabeth, NJ), and, points in the U.S.; Sub-No. 34, St. Charles County, MO (facilities in St. Charles County, MO), and, points in the U.S.

MC 62745 (Sub-11)X, filed May 4, 1981. Applicant: WOOLEYHAN TRANSPORT COMPANY, P.O. Box 1431, Wilmington, DE 19899. Representative: R. K. Fillingame (same as applicant). Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from castings, and machinery and parts to "metal products and machinery" on sheet 4 and from asbestos and equipment, paper products and petroleum products in cases and drums to "building materials, pulp, paper and related products and petroleum products" on sheet 5, (2) remove the "in truckload lots" restriction, and (3) change one-way to radial authority between Philadelphia, PA, and DE and NJ.

MC 64920 (Sub-6)X, filed May 15, 1981. Applicant: THE J. J. VINCI COAL COMPANY, 1000 Newfield Street, Middletown, CT 06457. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-No. 5 permits to (1) broaden the commodity description from liquid petroleum products in the lead and petroleum and petroleum products in bulk in tank vehicles in the Sub-No. 5 to "petroleum products" and (2) broaden the territorial description in both permits to between points in the U.S. under continuing contracts with unnamed shippers.

MC 100666 (Sub-543)X, filed April 24, 1981. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 61, 76, 78, 81, 84, 85, 86, 94, 97, 98, 103, 105, 107, 117, 119, 125, 134, 142, 143, 145, 146, 147, 150, 151, 152, 153, 154, 155, 157, 158, 169, 171, 172, 174, 184,

185, 193, 194, 197, 199, 200, 202, 208, 211, 212, 214, 215, 223, 225, 231, 234, 236, 238, 240, 242, 245, 246, 249, 254, 257, 261, 262, 263, 265, 266, 270, 272, 281G, 288, 287, 295, 297, 298, 300, 302, 303, 306, 308, 309, 315, 320, 321, 327, 330, 333, 338, 342, 343, 347, 352, 355, 363, 368, 370, 371F, 376, 378, 380F, 381F, 384F, 386F, 388F, 390F, 393F, 395F, 396F, 398F, 402F, 403F, 404F, 408F, 409, 410F, 411F, 413, 418F, 420F, 421F, 424, 425F, 426F, 430F, 436F, 440F, 447F, 450F, 451F, 464F, 465F, 478F, 485F, 491F, 494F, 495F, 499F, 500F, 506F, 507F, 509F, 510F, 520F, 522F, 523F, 524F, 526F, 530F, 533F, 534F, 535F, 536F certificates and letter notices E5, E7, E8, E10, E11, E12, E13, E14, E16, E19, E21, E23, E24, E26, E55, E64, E67, E103, E105, E106, E107, E137, E139, E145, E192, E199, E200, E204, E215, E217, E226, E227, and E247 to broaden its base commodity descriptions to: (1)(a) in Sub-Nos. 81, 98, 125, 143, 145, 146, 151, 169, 171, 184, 185, 211, 225, 234, 238, 249, 254, 262, 266, 287, 297, 298, 308, 309, 320, 330, 355, 363, 381F, 388F, 396F, 398F, 402F, 403F, 408F, 421F, 424F, 426F, 430F, 440F, 465F, 491F, 499F, 500F, 507F, 522, 523F, 524F, 530F, and letter notices E11, E12, E13, E23, E67 and E215, to "metal products" from various commodities such as iron and steel articles, prefabricated steel buildings, steel bar joists, steel forms, iron and steel tanks, structural steel footwalks, metal, metal articles, fencing, wire, gates, nails, posts, top rails, tubing, pipe, pipe (other than iron and steel), racks, shelving, seating, tables, metal conduit, cans, pails, pipe castings, valves, hydrants, valves and water boxes, fittings, wire rope, aluminum tubing, aluminum articles, aluminum tanks, aluminum ingots, lead, zinc, zinc oxide, zinc dust, slab zinc, zinc alloy, zinc products, refined copper and copper articles; (b) in Sub-Nos. 76, 78, 84, 97, 103, 150, 153, 154, 193, 194, 199, 202, 212, 214, 231, 236, 245, 246, 261, 270, 272, 281G, 302, 315, 321, 343, 370, 371F, 376, 378, 386F, 390F, 410F, 447F, 485F, 494F, and letter notice E5, E7, E8, E10, E14, E16, E19, E55, E64, E103, E105, E106, E107, E139, E226, and E277 to "rubber and plastic products" from various commodities such as plastic, plastic pipe, plastic tubing, plastic conduit, plastic moldings, plastic laminates, plastic articles, extruded or expanded plastic products, valves, fittings, compounds, joint sealer, bonding cement, primer, coating, thinner, hand tools, hydrants, vinyl building products and vinyl plastic siding; (c) in Sub-Nos. 105, 107, 117, 119, 134, 142, 152, 157, 158, 197, 200, 215, 223, 300, 303, 306, 327, 342, 384F, 418F, 450F, 451F, and letter notices E21, E24, E26, E137, E145, E192 and E217, to "pulp, paper and related products"

from various commodities such as paper, paper products, paper articles, paper mill products, ground waste paper, scrap paper, gypsum board paper, wood pulp, pulp mill products, pulpboard, glue and linerboard; (d) in Sub-Nos. 147, 172, 263, 347, 368, 395F, 404F, 411F, 413F, 425, 506F, 509F, 510F and E204 letter notice to "clay, concrete, glass or stone products" from various commodities such as ground clay, absorbent ground clay, absorbents, floor sweeping compounds, pottery, plaster products, cement asbestos pipe, cement pipe, cement, fittings, pipe, glass and glass products; (e) in Sub-Nos. 295, 338, 380F, 420F, and 478F, to "petroleum, natural gas and their products" from various commodities such as petroleum, petroleum products, roofing materials, roof coating, asphalt, asphalt compounds, nonasphaltic caulking compounds, sealant, which body sealer, sound deadening compounds, filters, lubricating oils and hydraulic fluid; (f) in Sub-Nos. 155, 242, and letter notices E199 and E200 to "chemicals and related products" from agricultural insecticides; (g) in Sub-Nos. 286 and 526F to "food and related products" from pickled food products and canned fruit; (h) in Sub-Nos. 436F and 464F to "ores and minerals" from various commodities such as bentonite clay, lignite coal, drilling mud, clay, gilsonite, lignite and benonite; (i) in Sub-Nos. 533F to "such commodities as are used in, or in connection with the manufacture and/or distribution of building, roofing and insulating materials, pipe, pipe fittings and couplings" from building, roofing and insulating materials, pipe, pipe fittings and couplings; (j) in Sub-Nos. 409 and 536F to "printed matter" from magazines, catalogs, printed parts and sections; (k) in Sub-Nos. 85, 86, 174, 208 and 257 to "feed, grain and feed and grain products" from animal feed, cereal binders, sealing compounds, corn flour, industrial flour, industrial starches and processed grain products; (l) in Sub-Nos. 240, 265 and 333 to "baffling, forms, scaffolding and scaffolding materials" from builder's scaffolding, fiberglass concrete form, baffling, used construction forms, used scaffolding, used scaffolding material and used construction forming material; (m) in Sub-No. 61 to "clay, concrete, glass, or stone products, and rubber and plastic products" from cement asbestos products, plastic and pipe fittings; (n) in Sub-No. 94 to "transportation equipment" from sideboard racks; (o) in Sub-No. 520F to "textile mill products" from wiping cloths; and (p) in Sub-No. 534F "furniture and fixtures" from casual and leisure furniture. (2) remove

"Originating at and/or destined to" named points in Sub-Nos. 81, 143, 151, 169, 211, 249, 266, 298, 330, 363, 381, E13, 193, 245, 246, 410, 485, E64, 105, 107, 223, 342, 384, 418, 421, 429, 430, 450, 451, E192, 172, 263, 347, 395, 286, 393, 491, 495, 533, and 333; (e) remove the "in bulk" restriction in Sub-Nos. 81, 169, 254, 381, 403, 421, 424, 465, 500, 97, 154, 245, 343, 370, 371, 376, 378, 386, 390, 410, 485, 494, E10, E14, E16, E19, E26, E55, 105, 117, 134, 152, 197, 200, 215, 223, 303, 306, 342, 384, E21, E192, 172, 263, 347, 368, 395, 425, E5, E7, E204, 295, 338, 380, 420, 478, 286, 464, 393, 495, 533, 85, 86, 208, 61, and 520; (4) remove "in tank or in dump vehicle" restrictions in 403, 408, 370, 371, 390, 410, 485, 215, 223, 343, 380, 420; (5) remove restriction against transportation to AK and HI in Sub-Nos. 145, 169, 184, 185, 234, 254, 297, 308, 309, 320, 363, 421, 430, 491, 499, 500, 522, 524, 84, 153, 154, 199, 202, 212, 214, 245, 246, 270, 315, 321, 343, 370, 371, 376, 390, 410, 447, 485, 152, 215, 223, 303, 384, 368, 411, 509, 510, 286, 495, 533, 409, 536, 240, 333, 502, and 535; (6) remove the restrictions against oil field commodities as described in *Mercer—Extension*, in Sub-Nos. 145, 151, 185, 97, 193, 214, E7, E8, E16, E19, E64, E103, E105, E106, E226, E227; (7) remove the restriction against foreign commerce in Sub-No. 381; (8) remove the restriction against commodities which because of size or weight require special equipment in Sub-Nos. 494, 390, 105, 134, 152, 197, 200, 342, E21, E26, E192, E204, and 61; (9) remove the in bags restriction in Sub-Nos. 147, 155, E199 and E200; (10) remove the restrictions (a) against glass containers in Sub-No. 509, (b) in containers in Sub-Nos. 242, 174, and 172, (c) against frozen foods in Sub-No. 286, (d) against the transportation of newsprint from Herty, TX, to points in KS and OK, in Sub-No. 158, (e) against the transportation of furniture from Morristown, TN, in Sub-No. 393, (f) against animal and poultry feed and feed ingredients and edible flour in Sub-Nos. 208 and 257 and (g) remove the mixed loads restriction in Sub-Nos. 249, 61, and E204, (11) remove plantsite limitations in Sub-Nos. 81, part of Sub-Nos. 105, 107, 119, 152, 223, 303, E145, E192, 211, 266, 330, 381, 440, 465, 78, E14, 212, 420, and 436; in Sub-No. 143 and replace Canton, OH, with Stark County, OH; in Sub-No. 146 and E13 and replace Milwaukee, WI, with Milwaukee County, WI; in Sub-No. 151 and replace Gainesville, TX, with Cooke County, TX; in Sub-No. 157 and replace Elizabeth, LA, with Allen Parish, LA; in Sub-No. 184 and replace Baton Rouge, LA, with East Baton Rouge Parish, LA; in Sub-Nos. 185 and 534 and replace Nacogdoches, TX, with Nacogdoches

County, TX; in Sub-No. 211 and replace Heflin, LA, Corpus Christi and Amarillo, TX, with Webster Parish, LA, and Nueces and Potter Counties, TX; in Sub-Nos. 225 and 286 and replace Greenville, MS, with Washington County, MS; in Sub-No. 238 and E139 and replace Ravenna, OH, with Portage County, OH; in Sub-No. 249 and replace Erie, PA, with Erie County, PA; in Sub-No. 254 and replace Amarillo, TX, with Potter County, TX; in Sub-No. 262 Charleroi, PA, with Washington County, PA; in Sub-Nos. 287 and 500 and replace Midlothian, TX, with Ellis County, TX; in Sub-Nos. 240 and 297 and replace Knoxville, AR, with Johnson County, AR; in Sub-No. 309 and replace Jewett, TX, with Leon County, TX; in Sub-No. 355 and replace Homerville, GA, and Acme, TX, with Clinch County, GA, and Hardman County, TX; in Sub-No. 363 and replace Holt, AL, with Tuscaloosa County, AL; in Sub-No. 396 and replace Hazelwood, MO, and Stauton, IL, with St. Louis County, MO, and McCoupin County, IL; in Sub-No. 398 and replace Alexandria, LA, with Rapids Parish, LA; in Sub-No. 402 and replace Bessmer and Birmingham, AL, with Jefferson County, AL; in Sub-No. 403 and replace Ashland, KY, with Boyd County, KY; in Sub-No. 408 and replace Canfield, Yorkville, Martin Ferry, Steubenville and Mingo Junction, OH, Allenport and Monessen, PA, and Beech Bottom, Benwood, and Wheeling, WV, with Mahoning, Jefferson and Belmont Counties, OH, Washington and Westmoreland Counties, PA, and Brooke, Marshall and Ohio Counties, WV; in Sub-No. 421 and replace Rockwall, TX, with Rockwall County, TX; in Sub-No. 424 and replace Josephstown, PA, with Beaver County, PA; in Sub-No. 426 and replace Milwaukee with Milwaukee County, WI; in Sub-No. 430 and replace Plum, TX, with Fayette County, TX; in Sub-No. 499 and replace St. Joseph, MO, with Buchanan County, MO; in Sub-No. 84 and replace Little Rock, AR, with Pulaski County, AR; in Sub-No. 150 and replace Pryor, OK, with Mayes County, OK; in Sub-No. 199 and replace Slidell and New Orleans, LA, with St. Tammany and Orleans Parishes, LA; in Sub-No. 236 and E228 and replace Newberry, FL, with Alachua County, FL; in Sub-No. 343 and replace Evansville, IN, Danville, IL, and Sylvania, OH, with Vanderburgh County, IN, Vermilion County, IL, and Lucas County, OH; in Sub-No. 370 and replace Grinnell, IA, Rolla, MO, and Hillsboro, TX, with Poweshiek County, IA, Phelps County, MO, and Hill County, TX; in Sub-No. 371 and replace Springfield, KY, Anderson, SC, and Vestal, NY, with Washington

County, KY, Anderson County, SC, and Broome County, NY; in Sub-No. 378 and replace Riveria Beach, FL, with Palm Beach County, FL; in Sub-No. 378 and replace Buckhannon, WV, with Upshur County, WV; in Sub-No. 386 and replace Magnolia, AR, Revelly, MO, and Hanging Rock, OH, with Columbia County, AR, Jefferson County, MO, and Lawrence County, OH; in Sub-No. 410 and replace Bakersfield, Santa Ana and Sun Valley, CA, Pompano Beach, FL, Social Circle and Stone Mountain, GA, Bristol, IN, Cleveland, OH, and Houston, TX, with Kern, Orange and Los Angeles Counties, CA, Broward County, FL, Walton and DeKalb Counties, GA, Elkhart County, IN, Cuyahoga County, OH, and Harris County, TX; in Sub-No. 447 and replace Pasadena, TX, with Harris County, TX; in Sub-Nos. 494 and 342 and replace Muskogee, OK, with Muskogee County, OK; in Sub-No. 147 and replace Cairo, GA, with Grady County, GA; in Sub-Nos. 263, 347 and 395 and replace Ochlocknee, GA, with Thomas County, GA; in Sub-No. 411 and replace Hillsboro, TX, with Hill County, TX; in Sub-No. 425 and replace Ripley, MS, with Tippah County, MS; in Sub-No. 506 and replace Ragland, AL, with St. Clair County, AL; in Sub-No. 509 and replace Toledo, OH, with Lucas County, OH; in Sub-No. 510 and replace Laurinburg, NC, with Scotland County, NC; in Sub-No. 380 and replace Westwego, LA, and Beaumont and Houston, TX, with Jefferson Parish, LA, and Jefferson and Harris Counties, TX; in Sub-Nos. 478 and 174 and replace New Orleans, LA, with Orleans Parish, LA; in Sub-Nos. 85 and 86 and replace Golden Meadow and Lockport, LA, with Lafourche Parish, LA; in Sub-No. 534 and replace Brooksville, FL, and Nacogdoches, TX, with Hernando County, FL, and Nacogdoches County, TX; in E64 and replace Louisville, KY, with Jefferson County, KY; and in Sub-No. 526 and replace Brownsville, TX, with Cameron County, TX; in Sub-No. 117, E194(2), E217 and replace Wickliff, KY, with Ballard County, KY; in Sub-No. 158 and E24 and replace Herty and Sheldon, TX, with Angelina and Harris County, TX; in Sub-Nos. 197 and E21, E194(2) and replace Valiant, OK, with McCurtain County, OK; in Sub-No. 200 and replace Ashdown, AR, with Little River County, AR; in Sub-No. 450 and replace Jacksonville, Wilson, Statesville, and Hendersonville, NC, Cedartown and Rossville, GA, and Jacksonville and Miami, FL, with Onslow, Wilson, Iredell and Henderson Counties, NC, Polk and Walker Counties, GA, and Duval and Dade Counties, FL; in Sub-No. 451 and replace Florence, SC, with Florence

County, SC; in E26 and replace Elizabeth, LA, with Allen Parish, LA; (12) change city to county-wide authority in Sub-Nos. 98, E11 and E215 Houston, TX, to Harris County, TX; in Sub-No. 125 and E12 Crawfordsville, IN, to Montgomery County, IN, and in Sub-No. 125 and E23 Greenville, MS, to Washington County, MS; in Sub-No. 145 Bossier City, LA, to Bossier Parish, LA; in Sub-No. 169 Newport, AR, to Jackson County, AR; in Sub-No. 171 and E67 Springfield and Nashville, TN, to Robertson and Davidson Counties, TN; in Sub-No. 234, Hope, AR, to Hempstead County, AR; in Sub-No. 320 Gulfport, MS, to Harrison County, MS; in Sub-No. 388 Pulaski, TN, to Giles County, TN; in Sub-No. 491 Conroe, TX, to Montgomery County, TX; in Sub-No. 507 Baytown, TX, to Harris County, TX; in Sub-No. 524 Vicksburg, MS, to Warren County, MS; in Sub-Nos. 76, 281G(1) and E7 and E107 Oklahoma City, OK, to Oklahoma County, OK; in Sub-No. 103 and E10 Terre Haute, IN, to Vigo County, IN; in Sub-No. 97, E16 and E106 Mount Vernon, TX, to Franklin County, TX; in Sub-No. 153 Ft. Smith, AR, to Sebastian County, AR; in Sub-No. 154, E5, E19, E55 and E105 Waco, TX, to McLennan County, TX, and in Sub-Nos. 154, 208 and 257 McPherson, KS, to McPherson County, KS; in Sub-No. 193 and E8 and E103 East Camden, AR, to Ouachita County, AR; in Sub-No. 194 Slocumb, AL, to Geneva County, AL; in Sub-No. 202 Pittsburgh, KS, to Crawford County, KS; in Sub-No. 214 Columbia, MS, to Marion County, MS; in Sub-No. 231 and E227 Bakers, NC, to Union County, NC; in Sub-No. 245 Rollo, MO, to Phelps County, MO; in Sub-No. 246 Louisville, KY, to Jefferson County, KY; in Sub-No. 261 Thomasville, GA, to Thomas County, GA; in Sub-No. 270 Verona, MS, to Lee County, MS; in Sub-No. 272 Footville, WI, to Rock County, WI; in Sub-No. 302 High Spring and Miami, FL, to Alachua and Dade Counties, FL; in Sub-No. 315 Danville, IL, to Vermilion County, IL; in Sub-No. 321 Eads, TN, to Shelby County, TN; in Sub-No. 404 Quality, GA, to Thomas County, GA; in Sub-No. 368 Comanche, TX, and Oxford, MS, to Comanche County, TX, and Lafayette County, MS; in Sub-No. 413 Van Buren, AR, to Crawford County, AR; in E204 and Sub-No. 61 Ragland, AL, to St. Clair County, AL; in Sub-No. 295 Wynnewood, OK, to Garvin County, OK; in Sub-No. 338 Lawrenceville, IL, to Lawrence County, IL; in Sub-No. 155 West Helena, AR, to Phillips County, AR; in Sub-No. 155 and E199 Winnsboro, LA, to Franklin Parish, LA; in Sub-No. 242 and E200 Opelousas, LA, to Saint Landry Parish, LA; in Sub-No. 464 Battle Mountain, NV, Greybull, WY, and

Gascoyne, ND, to Lander County, NV, Big Horn County, WY, and Bowman County, ND; in Sub-No. 265 Ft. Myers, FL, to Lee County, FL; in Sub-No. 94 Lufkin, TX, and Bradentown, FL, to Angelina County, TX, and Manatee County, FL; in Sub-No. 327 Anniston, AL, Medicine Lodge, KS, and Rotan, TX, to Calhoun County, AL, Barber County, KS, and Fisher County, TX; in Sub-No. 418 Charlotte, NC, to Mecklenburg County, NC; and in Sub-No. 384 Monroe, OH, to Butler County, OH; (13) remove exceptions against service at (a) Valentine, NE, in E10, (b) at Crawfordville, IN, in Sub-Nos. 225 and E11 (c) Henderson, KY, in Sub-No. 125; (14) change one-way to radial authority between various combinations of points throughout the U.S. in all Subs except 430, 343, 370, 371, 376, 390, 485, 494, 105, 152, 223, 393, 495, 533, 536, 333, 520, 534, and 535.

MC 114457 (Sub-588)X, filed May 11, 1981. Applicant: DART TRANSIT COMPANY; 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 587 certificate to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)"; (2) eliminate the restriction limiting transportation to traffic moving on freight forwarder bill of lading; and (3) change one-way to radial authority between Chicago, IL, and Minneapolis, MN.

MC 117201 (Sub-54)X, filed May 4, 1981. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Applicant seeks to remove restrictions in No. MC-141952 Sub-No. 1 acquired in MC-F-13984 and MC-141952 Sub-No. 2F certificates to (1) broaden the commodity description from wine and malt beverages and such commodities as are dealt in by grocery and food business houses to "such commodities as are dealt in by grocery, food and variety business establishments" in each certificate; (2) remove the "vehicles equipped with mechanical refrigeration" restriction in Sub-No. 2F; (3) eliminate the facilities limitations in each certificate; (4) expand city to county-wide authority from Bremerton and Seattle to Kitsap, King and Snohomish counties, WA, in Sub-No. 1; Los Angeles, Sacramento, Oxnard, and Modesto to Los Angeles, Orange, Sacramento, Ventura, and Stanislaus Counties, CA, in Sub-No. 2F; and (5) change one-way to radial authority

between (a) points in CA, and, points in Kitsap, King, and Snohomish Counties, WA, in Sub-No. 1; and (b) points in Los Angeles, Orange, Sacramento, Ventura, and Stanislaus Counties, CA, and, points in OR and WA in Sub-No. 2F.

MC 128520 (Sub-7)X, filed May 11, 1981. Applicant: THE ROBINSON FREIGHT LINES, INC.; 3600 Papermill Road, Knoxville, TN 37912. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions from its lead certificate to (1) allow service at all intermediate points between Cleveland and Greeneville, TN; Chattanooga and Knoxville, TN; Madisonville and Tellico Plains, TN; Chattanooga and Memphis, TN; and Knoxville and Bristol, TN; and (2) change specified off-route points to corresponding counties as follows: Greenland with Hawkins County, TN; Melton Hill Dam Site and points within 5 miles thereof with Anderson and Roane Counties, TN; and off-route points within 5 miles of U.S. Hwy 411 between Ocoee and Tennga, TN, with Bradley and Polk Counties, TN, and Murray County, GA.

MC 136343 (Sub-237)X, filed May 15, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17047. Representative: Stan C. Geist (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 140F certificate to (1) broaden its commodity description from general commodities (with exceptions), to "general commodities (except classes A and B explosives)"; (2) replace facilities at or near DuBois, PA, with Clearfield County, PA; and (3) eliminate the originating at or destined to named facilities restriction.

MC 144675 (Sub-8)X, filed May 8, 1981. Applicant: LINCOLN FREIGHT FORWARDING CORP., 537 North Long Beach Road, Rockville Centre, NY 11570. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions from its Sub-No. 4F certificate to: (1) eliminate all exceptions from its general commodities authority except classes A and B explosives; (2) eliminate the restriction limiting service to transportation of traffic moving on freight forwarder bills of lading; and (3) authorize radial authority in place of its existing one-way authority between a combination of various states in the U.S.

MC 146822 (Sub-5)X, filed May 18, 1981. Applicant: A.T.F. SUNSET, INC., d.b.a. SUNSET TRANSPORT SYSTEMS, 2200 N. Parmalee, Compton, CA 90222. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills,

CA 90211. Applicant seeks to remove restrictions in its Sub-2F and 3 certificates to (1) remove the commodities in bulk exception in Sub-2F; (2) broaden the commodity description from electrical equipment to "machinery" in Sub-3; (3) delete the exceptions of service to AK and HI in Sub-No. 2; and (4) remove the originating at or destined to facilities restriction and change the territorial description to radial authority between the named facilities in the U.S., and, points in the U.S.

MC 149402 (Sub-3)X, filed May 14, 1981. Applicant: R.A.P.T. CORPORATION, 3159 S. 1900 West, Ogden, UT 84401. Representative: Irene Warr, Suite 280, Western Home Bank Bldg., 311 S. State St., Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its No. MC-126104 Sub-No. 3 permit acquired in MC-FC-78384 to (1) broaden its commodity descriptions from industrial and farm conveyors, and farm stack wagons to "machinery"; and from metal mine mats (with exceptions), to "metal products"; and (2) broaden its territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 150141 (Sub-2)X, filed May 11, 1981. Applicant: MN CONSUMER SUPPLY CO., INC., 5720 East River Road, Number 102, Minneapolis, MN 55432. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. Applicant seeks to remove restrictions from its Sub-No. 1F certificate to (1) broaden the commodities description from (a) plastics and stainless steel consoles and modules and proprietary plating solution used in the metal finishing industry and materials, supplies, and accessories used in the manufacture and production thereof; and (b) wines, nonalcoholic beverages and mixes, and malt beverages, to (a) "machinery, rubber and plastic products, metal products, and chemicals and related products," and (b) "food and related products"; (2) delete plantsite facilities restrictions; (3) remove the restrictions against service to or from AK and HI; (4) replace one-way authority with radial authority between specified points located throughout portions of the U.S.; and (5) delete originating at/designed to restrictions.

MC 150211 (Sub-16)X, filed May 1, 1981. Applicant: ASAP EXPRESS, INC., P.O. Box 3250, Jackson, TN 38301. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Applicant seeks to remove restrictions to (A)

broaden the commodity description in part (1) of its Sub-No. 1F certificate to "printed matter, and pulp, paper and related products" from printed and advertising matter, (B) broaden the territorial description from the named facilities near Corinth, MS to county-wide authority, and (C) change one-way service to authorize radial service, between Alcorn County, MS, and, points in nine States.

[FR Doc. 81-15755 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Museum Panel; Meeting

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Museum Panel to the National Council on the Arts will be held on June 15-16, 1981, from 9:00 a.m. to 5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E St., NW, Washington, D.C. 20506.

A portion of this meeting will be open to the public on June 16, 1981, from 9:00 a.m. to 5:30 p.m. to discuss policy.

The remaining sessions of this meeting on June 15, 1981, from 9:00 a.m. to 5:30 p.m.

Are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: May 15, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-15715 Filed 5-26-81; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL MEDIATION BOARD

Appointment of Members to Performance Review Board—Senior Executive Service

AGENCY: National Mediation Board.

ACTION: Notice of Appointment of Members to the Performance Review Board.

SUMMARY: Title IV of the Civil Service Reform Act requires agencies to establish a Performance Review Board whose members make recommendations to the Chairman of the Board relating to the performance of senior executive of the National Mediation Board.

The following persons are appointed as members of the Performance Review Board of the SES for a three year term: Robert O. Harris, Chairman; Kenneth E. Moffett, Federal Mediation and Conciliation Service; J. Bryan Atwood, Dean of Academic Affairs, Foreign Service Institute.

The normal term of office for members will run from January 1-December 31. The term of persons appointed expires on December 31, 1983.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Rowland K. Quinn, Jr., Executive Secretary, 1425 K Street, NW., Washington, D.C. 20572, (202) 523-5950.

By direction of the National Mediation Board.

Rowland K. Quinn, Jr.,
Executive Secretary.

[FR Doc. 81-15635 Filed 5-26-81; 8:45 am]

BILLING CODE 7550-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-325 and 50-324]

Carolina Power & Light Co.; Consideration of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-71 and DPR-62 issued to Carolina Power & Light Company (the licensee), for operation of the Brunswick Steam Electric Plant (BSEP), Units 1 and 2, located at the licensee's site in Brunswick County, North Carolina.

The proposed amendments would modify the Technical Specifications to increase the combined spent fuel storage capacity from 2392 spaces to 3946 spaces.

Prior to issuance of the proposed license amendments, the Commission will have made findings required by the

Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations. By June 26, 1981, the licensee or any person whose interest may be affected by this action may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition would specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall

be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch, or maybe delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Thomas A. Ippolito: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to George F. Trowbridge, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, D.C. 20035, attorneys for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a) (i)-(v) and § 2.714(d).

For further details with respect to this action, see the application for amendments dated April 16, 1981, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Southport-Brunswick County

Library, 109 W. Moore Street, Southport, North Carolina 28461.

Dated at Bethesda, Maryland, this 18th day of May, 1981.

For the Nuclear Regulatory Commission,
Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 2,
Division of Licensing.

[FR Doc. 81-15748 Filed 5-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

**Niagara Mohawk Power Corp.;
Issuance of Facility License
Amendment**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR-63 to Niagara Mohawk Power Corporation (the licensee) which revised the Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to allow modification of the Core Spray System.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 2, 1980, (2) Amendment No. 44 to License No. DPR-63, (3) the Commission's related Safety Evaluation, and (4) Order for Modification of License dated April 20, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oswego County Office Building, 46 E. Bridge Street, Oswego, New York 13126. A copy of items (2), (3) and (4) may be

obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of May 1981.

For the Nuclear Regulatory Commission,
Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 2,
Division of Licensing.

[FR Doc. 81-15749 Filed 5-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-277 and 50-278]

**Philadelphia Electric Co., et al.;
Issuance of Amendments to Facility
Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 78 and 77 to Facility Operating Licenses Nos. DPR-44 and DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3 (the facility) located in York County, Pennsylvania. The amendments are effective as of the date of issuance.

The amendments to the Technical Specifications permit reactor operation with a recirculation loop out of service. Units 2 and 3 shall be limited to 50% power when operating on a single recirculation loop.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission had determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated January 9, 1981, (2) Amendments Nos. 78 and 77 to Licenses

Nos. DPR-44 and DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Street, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of May 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4,
Division of Licensing.

[FR Doc. 81-15750 Filed 5-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272]

Public Service Electric and Gas Co., Philadelphia Electric Co., Delmarva Power and Light Co., and Atlantic City Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised the license for operating of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance and is to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendment adds a license condition to include the Commission-approved Guard Training and Qualification Plan as part of the license.

The licensee's filing, which has been handled by the Commission as an application, compiles with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filing dated August 17, 1979, and its revision submitted by letter dated March 13, 1981 are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 36 to License No. DPR-70 and (2) the Commission's related letter to the licensee dated May 12, 1981. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C., and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 12th day of May 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 81-15751 Filed 5-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating license No. DPR-32 and Amendment No. 67 to Facility Operating License No. DPR-37 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2, respectively, (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications to ensure redundancy in decay heat removal capability in all modes of operation and to provide a minimum water level above fuel assemblies during refueling operations.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated November 14, 1980, (2) Amendment Nos. 67 and 67 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 12th day of May 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 81-15757 Filed 5-26-81; 8:45 am]

BILLING CODE 7590-01-M

[CLI-81-8]

Statement of Policy on Conduct of Licensing Proceedings

I. Background

The Commission has reviewed the docket of the Atomic Safety and Licensing Board Panel (ASLBP) and the current status of proceedings before its individual boards. In a series of public meetings, the Commission has examined at length all major elements in its licensing procedure. It is clear that a number of difficult problems face the agency as it endeavors to meet its responsibilities in the licensing area.

This is especially the case with regard to staff reviews and hearings, where requested, for applications for nuclear power plant operating licenses.

Historically, NRC operating licensing reviews have been completed and the license issued by the time the nuclear plant is ready to operate. Now, for the first time the hearings on a number of operating license applications may not be concluded before construction is completed. This situation is a consequence of the Three Mile Island (TMI) accident, which required a reexamination of the entire regulatory structure. After TMI, for over a year and a half, the Commission's attention and resources were focused on plants which were already licensed to operate and on the preparation of an action plan which specified changes necessary for reactors as a result of the accident.

Although staff review of pending license applications was delayed during this period, utilities which had received construction permits continued to build the authorized plants. The staff is now expediting its review of the applications and an unprecedented number of hearings are scheduled in the next 24 months. Many of these proceedings concern applications for operating licenses. If these proceedings are not concluded prior to the completion of construction, the cost of such delay could reach billions of dollars. The Commission will seek to avoid or reduce such delays whenever measures are available that do not compromise the Commission's fundamental commitment to a fair and thorough hearing process.

Therefore, the Commission is issuing this policy statement on the need for the balanced and efficient conduct of all phases of the hearing process. The Commission appreciates the many difficulties faced by its boards in conducting these contentious and complex proceedings. By and large, the boards have performed very well. This document is intended to deal with problems not primarily of the boards' own making. However, the boards will play an important role in resolving such difficulties.

Individual adjudicatory boards are encouraged to expedite the hearing process by using those management methods already contained in Part 2 of the Commission's Rules and Regulations. The Commission wishes to emphasize though that, in expediting the hearings, the board should ensure that the hearings are fair, and produce a record which leads to high quality decisions that adequately protect the public health and safety and the environment.

Virtually all of the procedural devices discussed in this Statement are currently being employed by sitting boards to varying degrees. The Commission's reemphasis of the use of such tools is intended to reduce the time for completing licensing proceedings. The guidelines set forth below are not to be considered all inclusive, but rather are to be considered illustrative of the actions that can be taken by individual boards.

II. General Guidance

The Commission's Rules of Practice provide the board with substantial authority to regulate hearing procedures. In the final analysis, the actions, consistent with applicable rules, which may be taken to conduct an efficient hearing are limited primarily by the good sense, judgment, and managerial skills of a presiding board which is dedicated to seeing that the process moves along at an expeditious pace, consistent with the demands of fairness.

Fairness to all involved in NRC's adjudicatory procedures requires that every participant fulfill the obligations imposed by and in accordance with applicable law and Commission regulations. While a board should endeavor to conduct the proceeding in a manner that takes account of the special circumstances faced by any participant, the fact that a party may have personal or other obligations or possess fewer resources than others to devote to the proceeding does not relieve that party of its hearing obligations. When a participant fails to meet its obligations, a board should consider the imposition of sanctions against the offending party. A spectrum of sanctions from minor to severe is available to the boards to assist in the management of proceedings. For example, the boards could warn the offending party that such conduct will not be tolerated in the future, refuse to consider a filing by the offending party, deny the right to cross-examine or present evidence, dismiss one or more of the party's contentions, impose appropriate sanctions on counsel for a party, or, in severe cases, dismiss the party from the proceeding. In selecting a sanction, boards should consider the relative importance of the unmet obligation, its potential for harm to other parties or the orderly conduct of the proceeding, whether its occurrence is an isolated incident or a part of a pattern or behavior, the importance of the safety or environmental concerns raised by the party, and all of the circumstances. Boards should attempt to tailor sanctions to mitigate the harm caused by the failure of a party to fulfill its obligations and bring about improved

future compliance. At an early stage in the proceeding, a board should make all parties aware of the Commission's policies in this regard.

When the NRC staff is responsible for the delay of a proceeding the Chief Administrative Judge, Atomic Safety and Licensing Board Panel, should inform the Executive Director for Operations. The Executive Director for Operations will apprise the Commission in writing of significant delays and provide an explanation. The document will be served on all parties to a proceeding and the board.

III. Specific Guidance

A. Time

The Commission expects licensing boards to set and adhere to reasonable schedules for proceedings. The Boards are advised to satisfy themselves that the 10 CFR 2.711 "good cause" standard for adjusting times fixed by the Board or prescribed by Part 2 has actually been met before granting an extension of time. Requests for an extension of time should generally be in writing and should be received by the Board well before the time specified expires.

B. Consolidated Intervenor

In accordance with 10 CFR 2.715a, intervenors should be consolidated and a lead intervenor designated who has "substantially the same interest that may be affected by the proceedings and who raise[s] substantially the same questions . . ." Obviously, no consolidation should be ordered that would prejudice the rights of any intervenor.

However, consonant with that condition, single, lead intervenors should be designated to present evidence, to conduct cross-examination, to submit briefs, and to propose findings of fact, conclusions of law, and argument. Where such consolidation has taken place, those functions should not be performed by other intervenors except upon a showing of prejudice to such other intervenors' interest or upon a showing to the satisfaction of the board that the record would otherwise be incomplete.

C. Negotiation

The parties should be encouraged to negotiate at all times prior to and during the hearing to resolve contentions, settle procedural disputes, and better define issues. Negotiations should be monitored by the board through written reports, prehearing conferences, and telephone conferences, but the boards should not become directly involved in the negotiations themselves.

D. Board Management of Discovery

The purpose of discovery is to expedite hearings by the disclosure of information in the possession of the parties which is relevant to the subject matter involved in the proceeding so that issues may be narrowed, stipulated, or eliminated and so that evidence to be presented at hearing can be stipulated or otherwise limited to that which is relevant. The Commission is concerned that the number of interrogatories served in some cases may place an undue burden on the parties, particularly the NRC staff, and may, as a consequence, delay the start of the hearing without reducing the scope or the length of the hearing.

The Commission believes that the benefits now obtained by the use of interrogatories could generally be obtained by using a smaller number of better focused interrogatories and is considering a proposed rule which would limit the number of interrogatories a party could file, absent a ruling by the Board that a greater number of interrogatories is justified. Pending a Commission decision on the proposed rule, the Boards are reminded that they may limit the number of interrogatories in accordance with the Commission's rules.

Accordingly, the boards should manage and supervise all discovery, including not only the initial discovery directly following admission of contentions, but also any discovery conducted thereafter. The Commission again endorses the policy of voluntary discovery, and encourages the boards, in consultation with the parties, to establish time frames for the completion of both voluntary and involuntary discovery. Each individual board shall determine the method by which it supervises the discovery process. Possible methods include, but are not limited to, written reports from the parties, telephone conference calls, and status report conferences on the record. In virtually all instances, individual boards should schedule an initial conference with the parties to set a general discovery schedule immediately after contentions have been admitted.

E. Settlement Conference

Licensing boards are encouraged to hold settlement conferences with the parties. Such conferences are to serve the purpose of resolving as many contentions as possible by negotiation. The conference is intended to: (a) have the parties identify those contentions no longer considered valid or important by their sponsor as a result of information generated through discovery, so that

such contentions can be eliminated from the proceeding; and (b) to have the parties negotiate a resolution, wherever possible, of all or part of any contention still held valid and important. The settlement conference is not intended to replace the prehearing conferences provided by 10 CFR 2.751a and 2.752.

F. Timely Rulings on Prehearing Matters

The licensing boards should issue timely rulings on all matters. In particular, rulings should be issued on crucial or potentially dispositive issues at the earliest practicable juncture in the proceeding. Such rulings may eliminate the need to adjudicate one or more subsidiary issues. Any ruling which would affect the scope of an evidentiary presentation should be rendered well before the presentation in question. Rulings on procedural matters to regulate the course of the hearing should also be rendered early.

If a significant legal or policy question is presented on which Commission guidance is needed, a board should promptly refer or certify the matter to the Atomic Safety and Licensing Appeal Board or the Commission. A board should exercise its best judgment to try to anticipate crucial issues which may require such guidance so that the reference or certification can be made and the response received without holding up the proceeding.

G. Summary Disposition

In exercising its authority to regulate the course of a hearing, the boards should encourage the parties to invoke the summary disposition procedure on issues where there is no genuine issue of material fact so that evidentiary hearing time is not unnecessarily devoted to such issues.

H. Trial Briefs, Prefiled Testimony Outlines and Cross-Examination Plans

All or any combination of these devices should be required at the discretion of the board to expedite the orderly presentation by each party of its case. The Commission believes that cross-examination plans, which are to be submitted to the board alone, would be of benefit in most proceedings. Each board must decide which device or devices would be most fruitful in managing or expediting its proceeding by limiting unnecessary direct oral testimony and cross-examination.

I. Combining Rebuttal and Surrebuttal Testimony

For particular, highly technical issues, boards are encouraged during rebuttal and surrebuttal to put opposing

witnesses on the stand at the same time so that each witness will be able to comment immediately on an opposing witness' answer to a question. Appendix A to 10 CFR Part 2 explicitly recognizes that a board may find it helpful to take expert testimony from witnesses on a round-table basis after the receipt in evidence of prepared testimony.

J. Filing of Proposed Findings of Fact and Conclusions of Law

Parties should be expected to file proposed findings of fact and conclusions of law on issues which they have raised. The boards, in their discretion, may refuse to rule on an issue in their initial decision if the party raising the issue has not filed proposed findings of fact and conclusions of law.

K. Initial Decisions

Licensing proceedings vary greatly in the difficulty and complexity of issues to be decided, the number of such issues, and the size of the record compiled. These factors bear on the length of time it will take the boards to issue initial decisions. The Commission expects that decisions not only will continue to be fair and thorough, but also that decisions will issue as soon as practicable after the submission of proposed findings of fact and conclusions of law.

Accordingly, the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel should schedule all board assignments so that after the record has been completed individual Administrative Judges are free to write initial decisions on those applications where construction has been completed. Issuance of such decisions should take precedence over other responsibilities.

IV. Conclusion

This statement on adjudication is in support of the Commission's effort to complete operating license proceedings, conducted in a thorough and fair manner, before the end of construction. As we have noted, that process has not, in the past, extended beyond completion of plant construction. Because of the considerable time that the staff had to spend on developing and carrying out safety improvements at operating reactors during 1979-1980, in the wake of the Three Mile Island accident, this historical situation has been disrupted. To reestablish it on a reliable basis requires changes in the agency review and hearing process, some of which are the subject of this statement.

As a final matter, the Commission observes that in ideal circumstances operating license proceedings should not

bear the burden of issues that ours do now. Improvement on this score depends on more complete agency review and decision at the construction permit stage. That in turn depends on a change in industrial practice: submittal of a more nearly complete design by the applicant at the construction permit stage. With this change operating license reviews and public proceedings could be limited essentially to whether the facility in question was constructed in accordance with the detailed design approved for construction and whether significant developments after the date of the construction permit required modifications in the plant.

Dated at Washington, D.C., this 20th day of May 1981.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-15747 Filed 5-26-81; 8:45 am]

BILLING CODE 7590-01-M

Development of a Method for Systematic Probabilistic Risk Assessments of Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Announcement of Grant Award and Meeting Schedule.

SUMMARY: The NRC Office of Nuclear Regulatory Research has recently awarded grants of financial assistance to two technical societies to coordinate efforts to develop a Procedures Guide for the performance of probabilistic analysis of the safety of nuclear power plants. Each society will hold a technical conference to provide a public forum for broad technical peer review.

DATES: October 25-28, 1981, IEEE Conference, Washington, D.C.
April 4-7, 1982, ANS Conference.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Bernero, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC, 20555 (Telephone: 301-443-5936).

SUPPLEMENTARY INFORMATION:

Overview

The NRC Office of Nuclear Regulatory Research has recently awarded grants of financial assistance to two technical societies to coordinate efforts to develop a Procedures Guide for the performance of probabilistic analysis of the safety of nuclear power plants. The grants are for \$238,000.00 to the Institute of Electrical and Electronics Engineers (IEEE) and \$228,000.00 to the American Nuclear Society (ANS). Each of the societies will hold a technical conference to provide a

public forum for broad technical peer review and understanding of the procedures guide. The IEEE conference will be held October 25-28, 1981, in Washington, D.C. and the ANS conference will be held April 4-7, 1982.

A number of technical specialists comprise the Technical Working Group. These individuals, from within and from outside the nuclear industry, will participate as authors of the various parts of the procedures guide. A number of peer reviewers, also from within and outside the nuclear industry, will participate on a regular basis to provide broad input to the work. Financial support of these technical specialists is being provided by the NRC, the Department of Energy, the Electric Power Research Institute, and many organizations in the nuclear industry.

A Steering Committee has been formed as an independent group to provide direction and planning for the project. The Steering Committee will be the final approval body for the procedures guide.

The project will produce a procedures guide that can be followed for probabilistic analysis of accident sequences, system failure probabilities, radioactivity release, and accident consequences. The NRC may adopt part or all of this guide later. However, this project will be completed upon publication of the procedures guide following the ANS conference in 1982.

NRC has established a file on this activity in the Public Document Room at 1717 H Street, N.W., Washington, D.C.

The plan and rationale for this activity described below was prepared by interested parties from the NRC, the technical societies and the nuclear industry before the activity was undertaken. This plan was the basis of agreement for this project. It should be noted that this project is intended only to prepare a technically sound procedures guide for probabilistic analysis of nuclear power plants, it is not intended to develop regulatory policy.

Plan

1. Background

Since the completion of the Reactor Safety Study (WASH-1400) the NRC has been exploring ways to systematically apply probabilistic analysis to nuclear power plants. The NRC, in its Interim Reliability Evaluation Program (IREP) which is now underway, is developing and giving trial use to a procedures guide which could be the basis for systematic analysis of all nuclear power plants, a National Reliability Evaluation Program (NREP). Before settling on any

procedures guides for such a broad undertaking the NRC is interested in obtaining the advice and participation of many competent parties, including the nuclear industry and probabilistic analysis experts from within and without the nuclear industry. Thus the NRC seeks to initiate and support a project to develop a procedures guide, a method for systematic probabilistic risk assessments of nuclear power plants.

2. The Project

The project envisioned is to develop a Procedures Guide for the systematic application of probabilistic and reliability analysis to nuclear power plants. This Procedures Guide is expected to define the acceptable methodology for performance of such studies. The Procedures Guide is expected to address the following subject areas: (1) system reliability analysis, (2) accident sequence classification, (3) frequency assessment for classes of accident sequences, (4) estimation of radiologic release fractions for core melt accident sequences, and (5) consequence analysis. For each of these subject areas, the Procedures Guide should delineate (1) acceptable analytic techniques, (2) acceptable assumptions and modeling approximations including the treatment of statistical data, common cause failures and human errors, (3) treatment of uncertainty, (4) acceptable standards for documentation, and (5) quality control. The Procedures Guide is expected to define a practical scope of analysis for such systematic review conducted in the next few years. Thus, the Procedures Guide might recommend omission, simplification, or postponement of some elements of a complete analysis. If it does, the Procedures Guide may or may not include specific guidance on when or how to address these elements later. The Guide may be adopted and modified under other auspices later, but this project will end with the first publication of the Procedures Guide.

The NRC sees this situation as a unique opportunity to use the resources of two technical societies, the Institute of Electrical and Electronics Engineers (IEEE) and the American Nuclear Society (ANS), to develop and review statements of useful PRA methodology and recommend applications. The technical society activities envisioned are two conferences linked by a series of workshops which will prepare material for the conferences. The IEEE is seen as the principal host of the first of these conferences, the Review Conference, because their membership

and ability to contribute spans not only the nuclear industry but other industries which have used probabilistic and reliability analysis for sometime. The ANS is seen as the principal host of the second of these conferences, the Topical Conference.

The NRC would work directly with each of the two technical societies supporting and cosponsoring activities specifically related to this project. The societies would be expected to use their resources to obtain the attention and participation of technically qualified parties. The NRC, with Steering Committee advice, may select a time or times in the course of this project to make materials available for general public comment through other channels such as publication in the *Federal Register*, etc.

3. Policy Activities

The activity planned to develop a Procedures Guide for probabilistic analysis is premised on the expectation that the use of such a Procedures Guide would be systematically undertaken in the nuclear power industry and that the results of such analyses would be used in regulatory decisionmaking. Neither NRC nor the owners of the nuclear plants can or would delegate their policy setting responsibilities to others. Therefore, the NRC is expected to continue to develop specific policies on the extent and manner in which probabilistic analysis will be used in the regulatory process. The nuclear plant owners are expected to pursue resolution of these policy issues as well, operating individually and through the Atomic Industrial Forum (AIF), through its Policy Committee on Nuclear Regulation and its subordinate committees and subcommittees. The effectiveness of the preparation and use of the Procedures Guide depends heavily on timely policy input to the technical effort. Therefore, it is important that both NRC and the industry pursue resolution of these policy issues through normal channels as well as by dedicating persons to participate in this technical society effort who are significantly involved in resolution of these policy issues.

4. Organization

The organization of this project is intended to enable the NRC and the nuclear industry to work closely with the two technical societies in a cosponsoring their activities in a coordinated scheme of action. The project will be directed by a Steering Committee under the joint chairmanship of two representatives of the technical societies, the IEEE and the ANS. The

principal work of developing technical documents for the project will be performed by a project Technical Committee. Each of the conferences is expected to have its own conference committee.

The Steering Committee, excluding the two co-chairmen, is drawn from different sources as follows:

Affiliation	Number of members
NRC	3
DOE	1
IEEE	3
ANS	2
AIF	1
Other Nuclear Industry	4

The Steering Committee will set its final membership. At its discretion, it may include in its number the chairman of the project Technical Committee and the chairmen of the conference committees when they have been chosen by their respective professional societies. The chairman and the members of the Technical Committee will be chosen by the Steering Committee. The Technical Committee is expected to include about seven or eight specialists who have strong technical knowledge of both nuclear powerplant analysis and probabilistic and reliability analysis techniques. These experts will be drawn from the nuclear industry, the national laboratories, and the NRC. In addition, as directed by the Steering Committee, the Technical Committee will be augmented from time to time by additional members, drawn from non-nuclear industry and Government experts in risk assessment methodologies. They will be assisting the Technical Committee to develop realistic descriptions and evaluations of candidate probabilistic analysis methods as well as reviews of pertinent experience in the use of probabilistic and reliability analysis for consideration by the Steering Committee and the technical society meetings.

It is expected that, under the Steering Committee's direction, the augmented Technical Committee will review the procedures for PRA which have been or are being used in the nuclear and non-nuclear fields and draft the Procedures Guide described in 2. above. When the Procedures Guide has been sufficiently developed, it will undergo peer review in the IEEE sponsored Review Conference. The Review Conference is expected to draw participants from the nuclear industry, from the research community, from professional societies, and from Government. The Review Conference is expected to use a suitable choice of format to discuss: (1) status

reports of recent PRA activities such as the NRC's IREP, the Zion/Indian Point Study, the Oconee/NSAC review, etc., (2) PRA applications and experience in non-nuclear settings, (3) implications of use of PRA, in the regulatory context, and (4) results of the Technical Committee's work on PRA methodologies with special emphasis on new approaches.

From time to time either before or after the Review Conference the Steering Committee may direct that drafts of the Procedures Guide be circulated to other reviewers for technical comment. Similarly, the NRC may choose to circulate drafts of the Procedures Guide to the general public for information and comment at suitable times.

After the Review Conference the Technical Committee will resume drafting of the Procedures Guide. The Procedures Guide, and the bases for its form and methods will be reviewed again at workshops and the Topical Conference sponsored by the ANS. It is expected that the Topical Conference will include reports on many PRA projects, technical issues in PRA, and policy issues in PRA, as well as a suitable format for discussion and review of the Procedures Guide. Presumably, the Steering Committee and the Technical Committee will meet again after the Topical Conference to incorporate the comments obtained there. When the Procedures Guide is finished the project will be completed.

The Procedures Guide is not expected to be an officially endorsed product of either of the technical societies; it will not have gone through the rigorous and usually longer consensus process as would be the case in the development of a national standard. The Procedures Guide will be instead a product of the Steering Committee, an ad hoc group acting in concert with but independent of the two technical societies. The members of the Steering Committee are chosen in part because of their normal professional affiliation but act in the Committee as individuals. The members' acts in Committee do not represent the official positions of their agencies. No agency or organization, by the commitment of resources to this project is considered to be adopting or endorsing the resulting Procedures Guide. At the end of the project the Procedures Guide will be published to ensure its availability for critique and endorsement on its own merits.

5. Support

The two professional societies will act as secretariat for or sponsor the

activities of this project under separate support agreements with the NRC. In general, the IEEE will sponsor and administer the Review Conference, the IEEE participation in the Steering Committee, and the non-nuclear industry contributions to the work of the Technical Committee. The ANS will sponsor and administer the Topical Conference and provide administrative support for the Steering Committee and the Technical Committee, providing meeting rooms, working facilities and whatever other physical support services are required. The final division of responsibility will be made by the Steering Committee.

Persons designated to participate in the Steering Committee and the Technical Committee will be expected to make a substantial commitment of their time. It is expected that the Technical Committee will meet for one week every six to eight weeks during the first six months of this project. The nuclear industry and NRC participants will be expected to devote about 20% of their working time to the project. The chairman of the Technical Committee and technical support staff will likely spend about half time on the project. Consultants will work as required.

6. Participants

The following participants have been tentatively designated:

Steering Committee:

Richard J. Gowen, Co-Chairman, (IEEE),
South Dakota School of Mining and
Technology

Saul Levine, Co-Chairman (ANS), NUS
Corporation

Robert M. Bernero, U.S. Nuclear
Regulatory Commission

John Boettger, Public Service Electric &
Gas

Kenneth Canady, Duke Power Company
Malcolm L. Ernst, U.S. Nuclear
Regulatory Commission

Herbert Feinroth, U.S. Department of
Energy

Jack W. Hickman, Exofficio member of
the Steering Committee as Chairman
of the Technical Committee, Sandia
National Laboratories

Irving Howell, South Central Bell
Telephone Company

Robert E. Larson, Systems Control, Inc.
James F. Mallay, Nuclear Safety
Analysis Center

Edward P. O'Donnell, Ebasco Services,
Inc.

Wayne L. Stiede, Commonwealth
Edison

Alfred Torri, Pickard, Lowe and Garrick,
Inc.

Ian B. Wall, Electric Power Research
Institute

Edwin Zebroski, Nuclear Safety Analysis Center

Signed at Silver Spring, Maryland, this 18th
day of May 1981.

Robert B. Minogue,

Director, Office of Nuclear Regulatory
Research.

[FR Doc. 81-15746 Filed 5-26-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22059; 70-6592]

Middle South Energy Inc. et al.; Proposed Increase in Short-Term Borrowing Authorization and Changes in Certain Agreements Related Thereto

Dated: May 20, 1981.

In the matter of Middle South Energy, Inc., P.O. Box 61000, New Orleans, Louisiana 70161; Middle South Utilities, Inc., 225 Baronne Street, New Orleans, Louisiana 70112; Arkansas Power & Light Company, P.O. Box 551, Little Rock, Arkansas 72203; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana; Mississippi Power & Light Company, P.O. Box 1640, Jackson, Mississippi 39205; New Orleans Public Service, Inc., 317 Baronne Street, P.O. Box 60340, New Orleans, Louisiana 70160.

Middle South Utilities, Inc., a registered holding company, and five of its wholly-owned subsidiary companies, Middle South Energy, Inc. ("MSEI"), Arkansas Power & Light Company ("AP&L"), Louisiana Power & Light Company ("LP&L"), Mississippi Power & Light Company ("MP&L") and New Orleans Public Service, Inc. ("NOPSI") have filed an application-declaration and an amendment thereto with this Commission pursuant to Sections 6(a), 7 and 12 of the Act and Rule 50 promulgated thereunder.

MSEI is a special-purpose subsidiary whose sole activity is construction of Grand Gulf Unit Nos. 1 and 2, a nuclear-fired generating facility sited near Natchez, Mississippi and having a net generating capacity of 2,500 MW. MSEI presently has a Bank Loan Agreement with a group of banks, with Manufacturers Hanover Trust Company ("MHTC") as agent, which have agreed to lend MSEI up to \$808 million through December 31, 1985. As of April 3, 1981, MSEI had borrowed \$733 million under the Agreement. It is proposed that the Bank Loan Agreement be amended to increase the total amount available thereunder to not more than \$1.4 billion and to extend the maturity date of the loans through December 31, 1986. The interest rate will be increased from 110% of the sum of 3/4 of 1% and the MHTC

prime rate to 110% of the sum of 1.3% and the MHTC prime rate. Based on a prime rate of 20% the effective cost of such borrowings will be 23.43%. The existing 5% compensating balance requirement will be eliminated and the loans will be prepayable in whole or in part at any time without penalty. Changes will also be made with respect to MSEI's obligation under the agreement to meet a specific loan reduction schedule. Such reductions will essentially reduce the outstanding principal of the loan by \$100 million per annum commencing no later than December 31, 1984.

MSEI is currently a party to an Availability Agreement with AP&L, LP&L, MP&L, and NOPSI. Under the Availability Agreement, (i) MSEI agreed to complete the Grand Gulf Plant, to join in the System Agreement, an interconnection agreement among members of the Middle South System, on or before the completion of the first unit and to sell to the parties to the System Agreement power available from the Grand Gulf Plant, and (ii) the system companies agreed to pay to MSEI such amounts as, when added to any other amounts received by MSEI, would at least equal MSEI's operating expenses, such payments to commence on the date on which the first unit was placed in commercial operation, but not later than December 31, 1982. However, if the first unit were in service on such date, such payments were not to commence with respect to the second unit until such unit was placed in commercial operation, but not later than December 31, 1986. The assumed dates for placing the first and second units in commercial operation will be changed to December 31, 1984 and December 31, 1988, respectively. MSEI will amend its Mortgage and Deed of Trust to reflect the change in commercial operation dates.

The banks which are parties to the Bank Loan Agreement will consent to these changes upon the condition that, among other things, MSEI and the system companies enter into a Power Purchase Advance Payment Agreement. This Agreement will provide that if the first unit has not been completed by December 31, 1983, then commencing on January 3, 1984 and continuing on the first business day of each month thereafter until the earlier of (i) the operation date and (ii) December 31, 1984, the system companies will pay MSEI monthly \$12.5 million in the aggregate as an advance payment for power to be delivered from the first unit. The system companies are to be severally and not jointly liable for these

payments in the same percentages applicable to the fixed allocation of power under the Availability Agreement as set forth below. MSEI's rights under the Power Purchase Advance Payment Agreement will be assigned to the banks. The system companies' obligation to make such payments will terminate on the earlier of the operation date or December 31, 1984.

Under the System Agreement as presently constituted, Grand Gulf Plant capacity would be allocated to the system companies having a need for capability in proportion to the needs of all system companies needing additional capability. Thus, the amount of capability allocated to each system company would vary from time to time depending not only on each system company's own capability but also on the capabilities and responsibility ratios of the other system companies.

Applicants propose to amend the terms of the Availability Agreement to provide for the firm allocation of MSEI's share of the power and energy from the Grand Gulf Plant to the system companies in stated percentages and to provide for the allocation of the costs and expenses of the Grand Gulf Plant to the system companies in like percentages whether or not either units is placed in commercial operation. Such allocation of power will be as follows: AP&L—17.1%, LP&L—26.9%, MP&L—31.3% and NPSI 24.7%. The sale of power from the Grand Gulf Plant will be made pursuant to a Power Purchase Agreement which may provide for the allocation of power on a different basis than that set forth in the Availability Agreement. Such reallocation would not change the percentages of entitlement and responsibility set forth in the Availability Agreement.

The application-declaration and amendment thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 12, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be

further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-15756 Filed 5-26-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 11785/812-4870]

**Shearson Loeb Rhoades, Inc., et al.;
Filing of Application for an Exemption**

Dated: May 20, 1981.

In the matter of Shearson Loeb Rhoades Inc., Shearson Loeb Rhoades Asset Management Corporation, 2 World Trade Center, New York, New York 10048; Bernstein-Macaulay, Inc., 505 Park Avenue, New York, New York 10022; The Dreyfus Corporation, Joseph S. DiMartino, 757 Fifth Avenue, New York, New York 10153.

Notice is hereby given that Shearson Loeb Rhoades Inc. ("Shearson"), its wholly-owned investment adviser subsidiaries Shearson Loeb Rhoades Asset Management Corporation ("Asset Management") and Bernstein-Macaulay Inc. ("Bernstein-Macaulay"), the Dreyfus Corporation ("Dreyfus") and Joseph S. DiMartino (collectively "Applicants"), filed an application on May 7, 1981, requesting an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Mr. DiMartino, Senior Vice President of Dreyfus, from the definition of "interested person" as stated in Section 2(a)(19)(B) of the Act solely for the purpose of Section 15(f)(1)(A) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

American Express Company ("Amexco") and Shearson have agreed in principle to a business combination, which, when effected, will result in Shearson becoming a wholly-owned, independently-operated subsidiary of Amexco. The agreement contemplates that the business combination will be a tax-free reorganization under the Internal Revenue Code of 1954 in which 1.3 shares of Amexco common stock will be exchanged for each share of Shearson common stock outstanding. Under the terms of the agreement Shearson, as an independently-operated subsidiary, will retain its present management and have its own board of directors. In addition, it is contemplated that Bernstein-Macaulay and Asset

Management are expected to continue as wholly-owned subsidiaries of Shearson with substantially the same officers, employees and responsibilities.

Bernstein-Macaulay is the investment adviser to Shearson Daily Dividend Inc. ("Daily Dividend"), Shearson Government and Agencies Inc. ("Government") and Triangle Income Fund Inc. ("Triangle") and Asset Management is the investment adviser to Shearson Managed Municipals Inc. ("Municipals"), all of which are registered under the Act as open-end, diversified management investment companies (collectively, the "Funds"). Dreyfus acts as the sub-adviser and administrator for Daily Dividend, Government and Municipals and acts as administrator for Triangle.

Applicants state that the advisory contracts under which Bernstein-Macaulay and Asset Management render advisory services to the Funds provide for their automatic termination in the event of an assignment as required by Section 15(a)(4) of the Act. Section 2(a)(4) of the Act defines assignment to include "any direct or indirect transfer . . . of the controlling block of the assignor's outstanding voting securities by a security holder of the assignor . . .". Applicants state that because Amexco will acquire all the outstanding common stock of Shearson, there will be a change in the control of Shearson and, indirectly, a change in control of Asset Management and Bernstein-Macaulay. Applicants further state that the change in control can be deemed to be an assignment, thus causing the termination of the advisory contracts between Bernstein-Macaulay, Asset Management and the Funds. Applicants represent that it is contemplated that advisory contracts which are in all material respects identical to the existing contracts will be submitted to the shareholders of the Funds for their approval at special meetings tentatively planned for the week of June 15, 1981. Applicants also state that, pursuant to Section 15(f)(1)(A) of the Act, the acquisition of Shearson by Amexco could be deemed to constitute an amount or benefit received in connection with the sale of an interest in an investment adviser which results in an assignment of an investment advisory contract. While Applicants indicate that the proposed business combination between Shearson and Amexco is not the type of transaction contemplated by Section 15(f)(1)(A) of the Act, they believe it is prudent for Bernstein-Macaulay and Asset Management to seek to meet the terms of that section.

Section 15(f)(1)(A) of the Act provides, in pertinent part, that "an investment adviser . . . of a registered investment company . . . may receive any amount or benefit in connection with a sale of securities of, or a sale of any other interest in such investment adviser . . . which results in an assignment of an investment advisory contract with such company . . . if (A) for a period of three years after the time of such action, at least 75 per centum of the members of the board of directors of such registered company . . . (or successor thereto, by reorganization or otherwise) are not (i) interested persons of the investment adviser of such company . . . or (ii) interested persons of the predecessor investment adviser . . .". Whether a director is an interested person of an outgoing or incoming adviser is determined in accordance with the definition of "interested person" in Section 2(a)(19)(B) of the Act. Applicants state that currently the boards of directors of Daily Dividend and Government are composed of nine directors, three of whom are interested persons of Bernstein-Macaulay or Dreyfus. Applicants further state that the board of directors of Triangle currently has nine directors and that the board of directors of Municipals has ten directors, each of which has four directors who are similarly considered interested persons. Mr. DiMartino is a member of the board of directors of each of the Funds and is considered to be an interested person of the Funds' advisers by reason of his position as Senior Vice President of, and his interest in, Dreyfus, as discussed below.

Applicants state that in order to comply with Section 15(f)(1)(A) of the Act, Dividend and Government would be required to increase the membership of their boards of directors to twelve. According to the application, an interested director of Triangle and an interested director of Municipals will resign from each board, thus reducing the total number of directors to eight and nine members, respectively. Applicants further state that even with those resignations, in order for Municipals and Triangle to comply with Section 15(f)(1)(A), their boards of directors would also have to be increased to twelve members. It is the opinion of the Applicants that an increase in the size of each of the boards of directors would result in each board becoming unwieldy and possibly ineffective and that such a restructuring would cause an undue burden on each of the Funds because of the increase in expenses. Applicants further argue that causing the resignation of certain

interested directors would not be in the best interests of the Funds because each interested director is actively involved in the business of the Funds.

Section 2(a)(19)(B), of the Act in pertinent part, defines an interested person of an investment adviser to be: (iii) any person who knowingly has any direct or indirect beneficial interest in . . . any security issued either by such investment adviser . . . or by a controlling person of such investment adviser . . . (v) any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such broker or dealer, and (vi) any natural person whom the Commission by order shall have determined to be an interested person by reason of having had at any time since the beginning of the last two fiscal years of such investment company a material business or professional relationship with such investment adviser . . . or with the principal executive officer or any controlling person of such investment adviser. . . . Section 2(a)(3)(D) of the Act provides, in pertinent part, that an "affiliated person" of another person means any officer or employee of such other person.

According to the application, Mr. DiMartino is a Senior Vice President of Dreyfus and has as his primary responsibilities general corporate and portfolio management. Applicants state that he serves as President, Director and portfolio manager of Dreyfus Liquid Assets, Inc., as well as Vice President and portfolio manager of Dreyfus Money Market Instruments, Inc., and Dreyfus Government Series. Applicants further state that Mr. DiMartino serves as a director and/or officer of a number of other investment companies managed and/or administered by Dreyfus.

Applicants state that Dreyfus owns \$2,500,000 in principal amount of Shearson's 15 1/4% senior subordinated notes ("Notes") due December 1, 1990, and that these Notes are nonvoting and represent approximately .5% of the total capitalization of Shearson of approximately \$477 million on December 31, 1980. Applicants represent that Mr. DiMartino owns directly or indirectly approximately 1% of the outstanding shares of Dreyfus common stock. This includes 7,500 shares of Dreyfus common stock owned outright and 27,000 shares acquired pursuant to a Stock Purchase Rights Plan, which shares may only be sold to Dreyfus at a formula price which is below book value. In addition, Applicants state that Mr. DiMartino has a beneficial interest in 18,879 shares of Dreyfus common stock held in an Employee Stock

Ownership Trust which is 70% vested. Applicants state that because of his stock ownership in Dreyfus and the Dreyfus ownership of the Shearson Notes, Mr. DiMartino may be deemed to be an interested person of the Funds' investment advisers under Section 2(a)(19)(B)(iii) of the Act.

Applicants assert, however, that because Mr. DiMartino's indirect interest in Dreyfus' total assets and revenues is relatively small and consequently his interest in the Shearson Notes held by Dreyfus is *de minimis*, Mr. DiMartino's judgment would not be affected by his indirect interest in Shearson's ability to pay the principal and interest on the Notes. Applicants submit that the Dreyfus holding of the Shearson Notes should not cause Mr. DiMartino to be deemed an interested person of the Funds' investment advisers or their controlling persons.

Applicants also state that Dreyfus has as a wholly-owned subsidiary, Dreyfus Service Corporation, a registered broker-dealer under the Securities Exchange Act of 1934 engaged in the business of underwriting Dreyfus-sponsored investment companies and Dreyfus Rainbow Annuity contracts. Applicants further state that, because Mr. DiMartino is an officer of Dreyfus Service Corporation, he is an affiliated person of a registered broker-dealer and, as such, is an interested person of an investment adviser as defined in Section 2(a)(19)(B)(v) of the Act. Applicants argue that because Dreyfus Service Corporation does not engage, nor is it contemplated it will engage in the foreseeable future, in a traditional, public securities business, no conflict of interest exists. Applicants assert that Mr. DiMartino's independence will not be compromised by his affiliation with a registered broker-dealer doing such a limited business.

Applicants also state that Mr. DiMartino, under Section 2(a)(19)(B)(vi), might be deemed to be an interested person of the Funds' advisers by reason of his having a material business or professional relationship with Shearson or its advisory subsidiaries based on Dreyfus' business relationship with the Funds and their investment advisers. Applicants contend, however, that Mr. DiMartino's duties as a Senior Vice President of Dreyfus are diverse and far more extensive than simply overseeing the performance by Dreyfus of its duties under its contracts with the Funds. Applicants state that Dreyfus and its subsidiary companies are responsible for the management of approximately \$11.5 billion, and that Dreyfus had

\$58,730,081 in gross revenues for the year ended December 31, 1980.

Applicants state that while a part of Mr. DiMartino's salary is related to his duties with respect to the Funds, no percentage is ascertainable. Applicants argue that Mr. DiMartino's duties are far more extensive than simply limited to the Funds and that as one of two Senior Vice Presidents of Dreyfus, he maintains significant professional contacts and business activities apart from Shearson.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Accordingly, Applicants request that the Commission issue an order pursuant to Section 6(c) of the act declaring that Mr. DiMartino shall not be deemed to be an interested person as defined in Section 2(a)(19)(B) of the Act solely for the purpose of Section 15(f)(1)(A) of the Act.

Notice is further given that any interested person may, not later than June 15, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if

ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-15739 Filed 5-26-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 11786; 812-4877]

Shearson Loeb Rhoades, Inc. et al.; Filing of Application

Dated: May 20, 1981.

In the matter of Shearson Loeb Rhoades, Inc., Shearson Loeb Rhoades Asset Management Corporation, 2 World Trade Center, New York, New York 10048; Isaac B. Grainger, 11 West 51st Street, New York, New York.

Notice is hereby given that Shearson Loeb Rhoades, Inc. ("Shearson"), its wholly-owned investment adviser subsidiary Shearson Loeb Rhoades Asset Management Corporation ("Asset Management") and Isaac B. Grainger (collectively "Applicants"), filed an application on May 14, 1981, requesting an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Mr. Grainger from the definition of "interested person" as stated in Section 2(a)(19)(B) of the Act solely for the purpose of Section 15(f)(1)(A) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

American Express Company ("Amexco") and Shearson have agreed in principal to a business combination, which, when effected, will result in Shearson becoming a wholly-owned, independently-operated subsidiary of Amexco. The agreement contemplates that the business combination will be a tax-free reorganization under the Internal Revenue Code of 1954 in which 1.3 shares of Amexco common stock will be exchanged for each share of Shearson common stock outstanding. Under the terms of the agreement, Shearson, as an independently-operated subsidiary, will retain its present management and have its own board of directors. In addition, it is contemplated that Asset Management is expected to continue as a wholly-owned subsidiary of Shearson with substantially the same officers, employees and responsibilities.

Asset Management is the investment adviser to Shearson Income Fund, Inc. ("Income Fund"), Shearson New Directions Fund, Inc. ("New Directions")

and The Shearson Appreciation Fund, Inc. ("Appreciation Fund"), all of which are registered under the Act as open-end, diversified management investment companies (collectively, the "Funds"). Shearson acts as the sub-adviser for the Funds pursuant to a sub-advisory agreement with Asset Management.

Applicants state that the advisory contracts under which Asset Management renders advisory services to the Funds provide for their automatic termination in the event of an assignment as required by Section 15(a)(4) of the Act. Section 2(a)(4) of the Act defines assignment to include "any direct or indirect transfer . . . of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor. . .". Applicants state that because Amexco will acquire all the outstanding common stock of Shearson, there will be a change in the control of Shearson and, indirectly, a change in control of Asset Management. Applicants further state that the change in control can be deemed to be an assignment, thus causing the termination of the advisory contracts between Asset Management and the Funds. Applicants represent that it is contemplated that advisory contracts which are in all material respects identical to the existing contracts will be submitted to the shareholders of the Funds for their approval at special meetings tentatively planned for the week of June 15, 1981. Applicants also state that pursuant to Section 15(f)(1)(A) of the Act, the acquisition of Shearson by Amexco could be deemed to constitute an amount or benefit received in connection with the sale of an interest in an investment adviser which results in an assignment of an investment advisory contract. While Applicants indicate that the proposed business combination between Shearson and Amexco is not the type of transaction contemplated by Section 15(f)(1)(A) of the Act, they believe it is prudent for Asset Management to seek to meet the terms of that section.

Section 15(f)(1)(A) of the Act provides, in pertinent part, that "an investment adviser . . . of a registered investment company . . . may receive any amount or benefit in connection with a sale of securities of, or a sale of any other interest in such investment adviser . . . which results in an assignment of an investment advisory contract with such company . . . if (A) for a period of three years after the time of such action, at least 75 per centum of the members of the board of directors of such registered company . . . (or successor thereto, by

reorganization or otherwise) are not (i) interested persons of the investment adviser of such company . . . or (ii) interested persons of the predecessor investment adviser. . . . Whether a director is an interested person of an outgoing or incoming adviser is determined in accordance with the definition of "interested person" in Section 2(a)(19)(B) of the Act.

Applicants state that currently the boards of directors of the Funds are composed of eight directors, two of whom are interested persons of the Funds and Asset Management or Shearson. Mr. Grainger is a member of the board of directors of each of the Funds and is considered to be a disinterested director.

Applicants further state that Mr. Grainger owns 3,200 shares and his wife owns 1,800 shares of Amexco common stock. Because of such ownership, Applicants state that Mr. Grainger will be considered an interested person of Shearson and Asset Management after the consummation of the proposed Shearson-Amexco transaction because of his having a direct interest in the controlling person of an investment adviser.

Section 2(a)(19)(B) of the Act, in pertinent part, defines an interested person of an investment adviser to be: (iii) any person who knowingly has any direct or indirect beneficial interest in . . . any security issued either by such investment adviser . . . or by a controlling person of such investment adviser. . . . Section 2(a)(9) of the Act, in pertinent part, defines control to be "the power to exercise a controlling influence over the management or policies of a company. . . ."

Applicants state that in order to comply with Section 15(f)(1)(A) of the Act, following the proposed Amexco-Shearson combination, the Funds would be required to increase their boards of directors to twelve members. It is the opinion of the Applicants that an increase in the size of each of the boards of directors would result in each of the boards becoming unwieldy and possibly ineffective. Applicants contend that such a restructuring would cause an undue burden on the Funds, each of which is small in terms of net assets, because of the increase in expenses. According to the Applicants, each board already has five disinterested directors to protect the interests of the shareholders of the Funds.

According to the application, Mr. Grainger is a sophisticated businessman who served as President of Chemical Bank until his retirement. Applicants state that after the acquisition of Shearson by Amexco, it is anticipated

that on a pro forma basis approximately 91,610,773 shares of Amexco common stock will be issued and outstanding and that Mr. Grainger's holding of 5,000 shares will equal approximately .0054% of this total. Applicants contend that this small ownership of Amexco common stock by Mr. Grainger should have no effect on his fulfilling his responsibilities to the shareholders of the Funds. Applicants argue that the revenues earned by Asset Management should not have any noticeable effect on revenues earned by Amexco. Applicants state for the year ended December 31, 1980, the Funds paid advisory fees of \$114,100 while Amexco had total revenues, on a consolidated basis, or \$5,504,000,000. Applicants believe that the income derived by Mr. Grainger from his holdings of Amexco common stock will not be affected in any noticeable degree by the advisory fees paid by the Funds.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Accordingly, Applicants request that the Commission issue an order pursuant to Section 6(c) of the Act declaring that Mr. DiMartino shall not be deemed to be an interested person as defined in Section 2(a)(19)(B) of the Act solely for the purpose of Section 15(f)(1)(A) of the Act.

Notice is further given that any interested person may, not later than June 15, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with

the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commissions thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-15700 Filed 5-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11787; 812-4853]

Capitol Life Insurance Co. and Security First Financial Inc.; Application for an Amended Order for Approval of Certain Offers of Exchange

Dated: May 20, 1981.

In the matter of The Capitol Life Insurance Company, Capitol Life Separate Account A, 1600 Sherman Street, Denver, Colorado 80203 and Security First Financial, Inc., 1800 Avenue of the Stars, Los Angeles, CA 90067.

Notice is hereby given that the Capitol Life Insurance Company, ("Capitol Life"), a stock life insurance company organized under the laws of the State of Colorado, and Capitol Life Separate Account A, ("Separate Account") established by Capitol Life and registered as a unit investment trust under the Investment Company Act of 1940 ("Act") and Security First Financial, Inc. a registered broker-dealer and the principal underwriter for the Separate Account (hereinafter collectively referred to as "Applicants"), filed an Application on March 27, 1981 for an amended order pursuant to Section 11 of the Act, approving certain offers of exchange, and pursuant to Section 6(c) of the Act, exempting the Applicants from the provisions of Sections 26(a) and 27(c)(2) of the Act. The requested order would supplement the exemptive relief previously granted (i) to the extent necessary to include a new Group Single Payment Variable Annuity Contract ("New Contract"), to be issued by Capitol Life and funded in

the Separate Account, in the offer of exchange allowing Accumulation Units of one Series of the Separate Account to be exchanged for those of another series; and (ii) to the extent necessary to include the New Contract in the exemptions underlying the current safekeeping arrangement of the Separate Account, previously granted pursuant to Section 6(c).

All interested persons are referred to the Application on file with the Commission for a statement of the representations contained therein which are summarized below.

The Separate Account was established by Capitol Life to fund certain variable annuity contracts which are currently being offered and sold to the public pursuant to an effective registration statement under the Securities Act of 1933 (File No. 2-51169). The Separate Account presently consists of four Series, each of which invests solely in the shares of one of the following open-end diversified management investment companies: Security First Legal Reserve Fund, Inc., Security First Variable Life Fund, Inc., T. Rowe Price Growth Stock Fund, Inc., and T. Rowe Price Prime Reserve Fund, Inc. (hereinafter collectively referred to as the "Funds").

The New Contracts are group single payment variable annuity contracts and are designed to provide annuity benefits to persons participating in various types of annuity plans or arrangements. Applicants assert that while the Contracts may be used in connection with retirement plans or individual retirement arrangements which qualify for special tax treatment under the Internal Revenue Code, they are intended primarily for use in connection with plans or arrangements which do not so qualify.

Applicants seek to amend and supplement the orders of September 13, 1974 (Release No. IC-8497), November 30, 1978 (Release No. IC-10502), and July 23, 1980 (Release No. IC-11271), only to the extent necessary to include the New Contract in the offers of exchange approved by such orders pursuant to Section 11, and to include the New Contract in the exemptions from Sections 26(a) and 27(c)(2) previously granted pursuant to Section 6(c).

Section 11

Section 11(a) of the Act makes it unlawful for any registered open-end investment company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such

company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to, and approved by, the Commission. Section 11(c) of the Act provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

The order contained in Release No. IC-11271 approved the conversion or transfer of the Contract Accumulation Units from any one of the four Series of the Separate Account to any other Division of the Separate Account then in existence. Applicants propose that this conversion right be extended so as to encompass the New Contract.

Sections 27(c)(2) and 26(a)

Section 27(c)(2), in relevant part, prohibits the issuer of a periodic payment plan certificate and any depositor or underwriter for such issuer from selling such periodic payment plan certificate unless the proceeds of any payments (other than any sales load) are deposited with a qualified bank acting as trustee or custodian, and held under an indenture or agreement containing specified provisions. Section 26(a) requires that such indenture or custodianship agreement must provide, *inter alia*, that the bank (i) shall have possession of all property of the unit investment trust and segregate and hold the same in trust subject only to the charges and collections specifically allowed under clauses (A), (B) and (C) of such Section until distribution to the security holders of the trust; (ii) shall not resign until the trust has been liquidated or a successor has been appointed; (iii) may collect from the income and, if necessary, from the corpus of the trust such fees for services provided for in the agreement; (iv) shall not allow as an expense any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services of a character normally performed by the bank itself.

Pursuant to an exemption from the aforementioned provision of the Act granted in Release No. IC-11271, Capitol Life acts as custodian of the Separate Account; however, all such assets are held for safekeeping pursuant to an agreement between Capitol Life and the State Street Bank and Trust Company of Boston, Massachusetts ("Bank"). Insofar as the New Contract proposed to be funded in the Separate Account is not

included within the terms of the order issued in Release No. IC-11271, the Applicants request that the order of exemption from Sections 26(a) and 27(c)(2) be amended to the extent necessary to make the requirement of a trust inapplicable to such New Contract.

Applicants have consented that the request for the foregoing exemptions may be made subject to the following conditions: (1) that the deductions for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, and the Commission may reserve jurisdiction for such purpose, and (2) that the payment of sums and charges out of the assets of the Separate Account shall not be determined to be exempted from regulation by the Commission by reason of the requested amended order, provided that Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c)

Section 6(c) authorizes the Commission to exempt any person, security or transaction, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested party may, not later than June 11, 1981 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of any attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated

under the Act, an order disposing of the application will be issued as of course following June 11, 1981 unless the Commission thereafter orders a hearing upon request or upon the Commission's motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-15761 Filed 5-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22058; 70-6596]

Consolidated Natural Gas Co. et al.; Proposed Issuance and Sale of Notes to Banks and Commercial Paper to Dealer by Holding Company; Intrasystem Financing; Issuance and Sale of Subsidiary Common Stock to Holding Company; Exception From Competitive Bidding

May 19, 1981.

In the Matter of Consolidated Natural Gas Company 100 Broadway New York, New York 10000, CNG Coal Company CNG Development Company Ltd., CNG Producing Company, CNG Research Company, Consolidated Gas Supply Corporation, Consolidated Natural Gas Service Company, Inc., Consolidated System LNG Company, The East Ohio Gas Company, The Peoples Natural Gas Company, The River Gas Company, West Ohio Gas Company

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and certain of its subsidiaries, CNG Coal Company ("Coal Company"), CNG Development Company Ltd., CNG Producing Company ("Producing Company"), CNG Research Company ("Research Company"), Consolidated Gas Supply Corporation ("Gas Supply"), Consolidated Natural Gas Service Company, Inc. ("Service"), Consolidated System LNG Company ("LNG Company"), The East Ohio Gas Company ("East Ohio"), The Peoples Natural Gas Company ("Peoples"), The River Gas Company ("River") and West Ohio Gas Company ("West Ohio") have filed an application-declaration and amendments thereto with this Commission pursuant to Sections 6(a), 6(b), 7, 9(a), 10, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 45, 50(a)(2) and 50(a)(5) thereunder.

Consolidated proposes to obtain funds for financing the seasonal increase in gas storage inventories of subsidiary companies by issuing up to \$125,000,000 of notes to banks from time to time through March 31, 1982. Such notes would mature within 12 months from the date of the first borrowing. There would be no commitment fees, required compensating balances, or closing or related charges. Such notes would bear variable interest at either the prime rate in effect from time to time at the Chase Manhattan Bank, N.A. ("Chase Manhattan") and/or at Consolidated's option, at an increment of three-eighths of one percent (0.375%) over the London Interbank Offered Rate ("LIBOR"), as quoted by Chase Manhattan in London and as adjusted for Federal Reserve requirements. For example, a 16% LIBOR rate would be adjusted for the current reserve requirement to an effective LIBOR rate of 16.12%. Borrowing at prime may be prepaid, in whole or in part, without penalty or premium, upon five days written notice. Borrowings at LIBOR may only be repaid at the end of the LIBOR period. The average of deposits regularly maintained in participating banks by Consolidated and its subsidiaries for normal operating purposes during 1980 amounted to approximately \$25,600,000. Assuming compensating balance requirements of 10% of the lines and 10% of average borrowings, the average compensating balances would have amounted to approximately \$27,100,000 for 1980. The borrowings are made from time to time as required to finance the subsidiaries' gas storage inventories and will be repaid as gas is withdrawn from storage and sold during the 1981-1982 heating season.

Consolidated, in order to meet working capital requirements proposes to issue and sell commercial paper, in the form of short-term bearer notes, to A. G. Becker Incorporated ("Becker"), a dealer in commercial paper, from time to time through May 31, 1982. The aggregate principal amount of such notes, together with the bank notes as described below, would not exceed \$100,000,000 outstanding at any one time. Such commercial paper will have varying maturities of not more than 270 days after date of issue and will be issued and sold in varying denominations of not less than \$50,000 and not more than \$5,000,000 directly to Becker, at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturity. The commercial paper will not be payable prior to maturity.

Consolidated proposes to sell commercial paper only so long as the discount rate or the effective interest cost on the date of sale does not exceed the equivalent cost of borrowings from a commercial bank. No commission or fee will be payable in connection with the issue and sale of such commercial paper notes. Becker, as principal, will reoffer such notes at a discount not to exceed one-tenth of one per cent per annum less than the prevailing discount rate to Consolidated. Such notes will be reoffered to not more than 200 identified and designated customers in a nonpublic list prepared in advance by Becker and furnished to the Commission. It is anticipated that the commercial paper will be held by customers to maturity; however, if any commercial paper is repurchased by Becker pursuant to a verbal repurchase agreement, such paper will be reoffered only to others in the group of 200 customers.

If the issuance of commercial paper becomes impractical because of market conditions or other factors, Consolidated proposes to issue short-term notes to Chase Manhattan and Citibank, N.A., up to an aggregate outstanding principal amount of \$100,000,000 for such notes and commercial paper. Consolidated would borrow up to an aggregate principal amount of \$50,000,000 outstanding at any one time from Chase Manhattan from time to time through May 31, 1982. Such borrowings would be at the bank's prime interest rate on the borrowing date. Consolidated would also borrow an aggregate principal amount of up to \$50,000,000 outstanding at any one time from Citibank, N.A., from time to time through May 31, 1982. Such unsecured borrowings from Citibank would be charged a commitment fee of one quarter of one percent (0.25%) on the principal amount at Citibank's base rate of interest, the prime rate, on each borrowing date. Borrowings from both banks would be evidenced by notes of Consolidated maturing within 90 days of each borrowing date. The notes may be prepaid, in whole or in part, at any time without prior notice or premium. There will be no closing or related charges with respect to such bank loans. Assuming a 19% prime rate, the effective interest cost of borrowings from Citibank with a commitment fee of .25% on the principal would be 19.25%.

Consolidated seeks to have the 5% limitation in condition (3) of the first sentence of the Section 6(b) exemption from the provisions of Section 6(a) of the Act raised to 12% from the order date in this matter through May 31, 1982. Such

an increase would permit Consolidated to have outstanding at any one time up to \$100,000,000 aggregate principal amount of short-term, unsecured bank notes and commercial paper.

Consolidated proposes to make, from time to time up to May 31, 1982, open account advances aggregating up to \$279,500,000 to its subsidiary companies for inventory gas financing and working capital. However, these advances will not exceed \$225,000,000 at any one time. Such advances would be made as requested by each subsidiary and will be repaid within a year of the first advance to such subsidiary company. Interest would be at substantially the same effective rate of interest as the related gas storage bank loan, sale of commercial paper, and/or bank borrowing by Consolidated. If there is no outstanding short-term debt, the interest rate would be at the prime commercial rate of interest in effect from time to time at Chase Manhattan. Such advances will be made up to the following principal amounts:

CNG Producing Co.	\$50,000,000
Consolidated Gas Supply Corp.	100,000,000
Consolidated System LNG Co.	25,000,000
The East Ohio Gas Co.	50,000,000
The Peoples Natural Gas Co.	50,000,000
The River Gas Co.	1,500,000
West Ohio Gas Co.	3,000,000
Total	279,500,000

The subsidiary companies propose to issue to Consolidated, and Consolidated proposes to acquire, up to \$113,000,000 principal amount of nonnegotiable, long-term notes maturing in the years coinciding with the scheduled retirements of Consolidated's debentures planned for issuance and sale in 1981, or over a period of time to be determined by the officers of Consolidated. In the event Consolidated does sell debentures in 1981 and any such long-term loans will have been made prior thereto, then the rate of interest shall be retroactively adjusted to be substantially equal to the effective cost of money to Consolidated through such sale. If Consolidated does not sell debentures in 1981, the long-term notes would bear interest at 13%, a rate predicted on and substantially equal to the effective cost of money to Consolidated through the issuance and sale by Consolidated of its 12% Debentures due October 1, 2000. Interest shall be paid semi-annually. Such loans would partially finance the subsidiaries' 1981 capital expenditures and would be made up to the following principal amounts:

Company	Company
CNG Producing Co.	\$27,000,000
Consolidated Gas Supply Corp.	83,000,000
Consolidated Natural Gas Service Co., Inc.	500,000
The River Gas Co.	1,000,000
West Ohio Gas Co.	1,500,000
Total	113,000,000

Consolidated proposes to purchase from the four subsidiaries listed below, and such subsidiaries propose to issue and sell to Consolidated, an aggregate of \$42,700,000 of capital stock at par value. The sales would be made as needed by the subsidiaries from time to time through May 31, 1982. Consolidated would make such purchases primarily from internal funds. The amounts and number of shares per subsidiary would be as follows:

Subsidiary	Number of shares (\$100 par)	Aggregate par value
CNG Coal Co.	12,000	\$1,200,000
CNG Producing Co.	200,000	20,000,000
CNG Research Co.	15,000	1,500,000
Consolidated Gas Supply Corp.	200,000	20,000,000
Total		42,700,000

Consolidated requests an exception from the competitive bidding requirements of Rule 50(b) pursuant to Paragraph (a)(5) with respect to the sale of commercial paper because such commercial paper will have maturities of nine months or less, current rates for commercial paper for prime borrowers, such as Consolidated, are published daily in financial publications and it is not practical to invite competitive bids for commercial paper. Consolidated also proposes that the Rule 24 certificates of notification regarding the proposed transactions be filed on a quarterly basis.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 11, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the address specified above. Proof of service (by affidavit, or in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be

further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-15647 Filed 5-26-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 11781. 811-1798]

National Performance Fund, Inc.; Proposal To Terminate Registration

May 19, 1981.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that National Performance Fund, Inc. ("Fund"), c/o William H. Manager, Esquire, 4314 St. Paul Street, Baltimore, MD 21218, registered under the Act as an open-end, non-diversified management investment company, has ceased to be an investment company as defined by the Act.

Information contained in the files of the Commission indicates that the Fund was organized in the state of Delaware on December 28, 1968. According to the Delaware Division of Corporations, that incorporation was declared void on March 1, 1974, for non-payment of franchise taxes. The Fund filed Form N-8A, Notification of Registration, with the Commission on January 14, 1969. The Commission's files indicate that the Fund's shares were registered under the Securities Act of 1933 and the Act (File No. 2-33832). Furthermore, the files of the Commission disclose that the Fund's officers decided in 1973 to liquidate the Fund, and that subsequently distributions of the Fund's assets were made to its shareholders. The Commission's files reflect that the Fund is presently inactive and has no assets.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of that order the registration of that investment company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 19, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the proposal accompanied by a statement as to the nature of his or her interest, the reasons for such request

and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the proposal herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-15648 Filed 5-20-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 17810; SR-OCC-80-4]

**Options Clearing Corporation ("OCC");
Order Approving Proposed Rule
Change**

May 19, 1981.

On April 28, 1980, OCC filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, a proposed rule change authorizing OCC to (i) disapprove an application for clearing membership if the applicant or person associated with the applicant is subject to a statutory disqualification, and (ii) make certain findings as to whether a person is subject to a statutory disqualification.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 16792, May 8, 1980) and by publication in the Federal Register (45 FR 32,465, May 16, 1980). No written comments were received by the Commission. OCC made certain modifications in a letter to the Commission staff dated December 10, 1980.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-15649 Filed 5-20-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 11780; 812-4820]

**Over-the-Counter Securities Fund, Inc.,
Review Management Corp. and
Wellington Management Co./
Thorndike, Doran, Paine & Lewis; Filing
of an Application**

May 19, 1981.

In the matter of Over-the-Counter Securities Fund, Inc., Review Management Corporation, Plymouth and Walnut Avenues, Oreland, Pennsylvania 19075 and Wellington Management Company/Thorndike, Doran, Paine & Lewis, 28 State Street, Boston Massachusetts 02109.

Notice Is Hereby Given that Over-The Counter Securities Fund, Inc. ("Fund"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, Review Management Corporation ("Review Management"), a Delaware corporation which renders investment advisory and management services to the Fund, and Wellington Management Company/Thorndike, Doran, Paine & Lewis ("Wellington Management"), which serves as sub-investment adviser to the Fund (collectively "Applicants"), filed an application on February 10, 1981, and an amendment thereto May 8, 1981, for an order pursuant to Section 6(c) of the Act retroactively exempting Applicants from the provisions of Section 15(a) of the Act to the extent necessary to permit Review Management and Wellington Management to have served as investment adviser and sub-investment adviser, respectively, for the period of time from February 26, 1981, when the provisions of Rule 15a-4 expired, until March 24, 1981, when the shareholders approved the new advisory contracts. All interested persons are referred to the application on file with the Commission for a statement of the representations

contained therein which are summarized below.

Applicants state that from September 19, 1955, until October 28, 1980, all investment advisory and management services were provided to the Fund by Review Management. During that time, all the outstanding voting securities of Review Management were owned by Mr. Ralph P. Coleman, Jr., the founder of the Fund. Accordingly, Applicants acknowledge that when Mr. Coleman died on October 28, 1980, the investment advisory and management agreement between the Fund and Review Management terminated. Applicants state that at a meeting held on November 1, 1980, a majority of the disinterested directors of the Fund voted to continue in effect the investment advisory agreement with Review Management, which was in existence immediately prior to Mr. Coleman's death, under the same terms and conditions, to continue until new investment advisory arrangements could be decided upon. Thereafter, the board of directors of the Fund conducted a search for an entity or entities to provide investment advisory and management services to the Fund. On December 8, 1980, the Fund entered an investment advisory management agreement ("Advisory Agreement") with Review Management and a sub-investment advisory agreement ("Sub-Advisory Agreement") with Wellington Management.

According to the application, the Advisory Agreement and the Sub-Advisory Agreement were approved by a majority of the disinterested directors of the Fund in person at a meeting held for the purpose of voting on the agreements. Pursuant to the Advisory Agreement, Review Management provides investment advisory services as well as certain management services to the Fund for an annual fee of 1/2 of 1 percent of the Fund's average net assets, payable quarterly. Applicants represent that the fee being charged is the same as the fee charged the Fund by Review Management since 1975. Under the terms of the Sub-Advisory Agreement, Wellington Management will have the responsibility for determining the securities that should be bought, sold or held in the Fund's portfolio and will have the responsibility for placing orders with broker-dealers for the purchase and sale of portfolio securities. For such services, Applicants state that Review Management pays Wellington Management, on a quarterly basis, an annual fee of .325 of 1 percent of the Fund's average net assets up to \$50,000,000; .275 of 1 percent on the next

\$100,000,000 and .225 of 1 percent on all assets in excess of \$150,000,000.

Section 15(a) of the Act provides, in pertinent part, that it shall be unlawful for any person to serve or act as investment adviser of a registered investment company, except pursuant to a written contract, which contract has been approved by the vote of a majority of the outstanding voting securities of such registered company. However, Rule 15a-4 under the Act provides, in general, that notwithstanding the provisions of 15(a) of the Act, a person may act as investment adviser for an investment company pursuant to a written contract which has not been approved by a majority of the outstanding voting securities for a period of up to 120 days after the termination of an investment advisory contract provided that (a) such contract has been approved by the investment company's board of directors including a majority of the directors who are not interested persons; and (b) the compensation to be received under the contract does not exceed the compensation which would have been received under the most recent investment advisory contract that had been approved by the shareholders.

Applicants attempted to bring the Advisory Agreement and the Sub-Advisory Agreement within the safe-harbor provisions of Rule 15a-4. Applicants state that the agreements were approved as required by the rule and that the Advisory Agreement provided for the same fee as the prior investment advisory agreement. The 120-day period following the termination of the prior advisory agreement expired on February 25, 1981. Accordingly, a Special Shareholders' Meeting had been scheduled to be held on February 18, 1981, for the purpose, *inter alia*, of voting on the Advisory Agreement and the Sub-Advisory Agreement. However, Applicants represent that a delay in the preparation of the proxy materials, caused by the need to wait for certain financial information and by problems in getting materials to the Commission's staff, produced an insufficient period of time prior to the scheduled meeting to permit an adequate solicitation of proxies. Therefore, Applicants state that the Fund's board of directors determined to reschedule the Special Shareholders' Meeting to be held on March 3, 1981, and then had to reschedule it again for March 24, 1981. Applicants represent that at that March 24th meeting the Advisory and Sub-Advisory Agreements were approved by a majority of the outstanding voting securities of the Fund. Accordingly, Applicants submit that at all times, Review Management

and Wellington Management have served as investment advisers to the Fund in compliance with the provisions of Section 15(a) of the Act and Rule 15a-4 thereunder, except that the agreements pursuant to which they were serving from February 26, 1981, to March 24, 1981, were not approved by a majority of the Fund's outstanding voting securities until the special shareholders' meeting held on March 24, 1981.

Section 8(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an order pursuant to Section 8(c) of the Act to permit the continuation of investment advisory and management services to the Fund by Review Management and Wellington Management pursuant to the terms of the Advisory Agreement and the Sub-Advisory Agreement for the period of time from February 26, 1981 until March 24, 1981. Applicants submit that such an exemptive order, is necessary and appropriate in the public interest and consistent with the protection of investors.

Applicants further submit that given the nature of the Fund's need for continuity of services, interrupting the agreements—which had been found by the board of directors to be in the best interest of the Fund—would have halted the provision of necessary and important services and would have been detrimental to the Fund. Therefore, Applicants request an order of the Commission granting the requested retroactive relief.

Notice is further given that any interested person may, not later than June 15, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses

stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[PR Doc. 81-15050 Filed 5-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11782; 811-2375]

21 C Venture Capital Corp.; Proposal To Terminate Registration

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that 21 C Venture Capital Corporation ("Fund"), c/o John B. Street, Jr., Esq., Coolidge Bank Building, 65 Main Street, Watertown, MA 02172 registered under the Act as a closed-end, non-diversified, management investment company, has ceased to be an investment company as defined by the Act.

Information contained in the files of the Commission indicates that the Fund was organized on November 22, 1972, and incorporated under the laws of the State of New York. On April 11, 1973, the Fund filed with the Commission Form N-8A, Notification of Registration pursuant to Section 8(a) of the Act. The records of the Commission also show that the Fund is inactive and that no assets of the Fund have been reported to the Commission.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of that order the registration of that investment company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 16, 1981, at 5:30 p.m., submit to the

Commission in writing, a request for a hearing on the proposal accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the proposal herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-15651 Filed 5-26-81; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Proposal No. 05/05-0154]

Heritage Venture Group, Inc.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to Section 107.102 of the SBA Regulations (13 CFR 107.102 (1980)) by Heritage Venture Group, Inc. (Applicant), 3375 One Indiana Square, Indianapolis, Indiana 46204, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*).

The proposed officers, directors and their percent of ownership are:

Name and address, title and relationship and percent of ownership

Arthur A. Angotti, 5540 E. 75th St., Indianapolis, IN 46250, President, Treasurer and Director, 10.1

Harry L. Gonzo, 5701 Carrollton Ave., Indianapolis, IN 46220, Secretary and Director, 1.6

Thomas W. Bindford, 501 Lockerbie St., Indianapolis, IN 46204, Director, 4.8

No other shareholder will directly or indirectly own 10 percent or more of the Applicant.

The Applicant proposes to begin operations with a capitalization of \$2,963,000 and will be a source of equity capital and long-term loans for qualified small business concerns. The initial capital will be obtained through the sale of common stock to approximately 55 shareholders.

Matters involved in SBA's consideration of the application include, the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of the publication of this Notice, submit written comments on the proposed SBIC to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of the Notice will be published in a newspaper of general circulation in Indianapolis, Indiana.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 20, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-15744 Filed 5-26-81; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular, Public Debt Series—No. 15-81]

Notes Designated Series R-1983; Interest Rate

May 21, 1981.

The Secretary announced on May 20, 1981, that the interest rate on the notes designated Series R-1983, described in Department Circular—Public Debt Series—No. 15-81, dated May 14, 1981, will be 15% percent. Interest on the

notes will be payable at the rate of 15% percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-15867 Filed 5-23-81; 1:55 pm]

BILLING CODE 4810-40-M

[Department Circular, Public Debt Series—No. 16-81]

Treasury Notes of November 15, 1986; Series E-1986

May 21, 1981.

1. Invitation For Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$3,000,000,000 of United States securities, designated Treasury Notes of November 15, 1986, Series E-1986 (CUSIP No. 912827 LY 6). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated June 3, 1981, and will bear interest from that date, payable on a semiannual basis on November 15, 1981, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature November 15, 1986, and will not be subject to call for redemption prior to maturity. In the event an interest payment date of the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any

possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Thursday, May 28, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, May 27, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Non-competitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily

to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; states, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a $\frac{1}{8}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to

provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allocated to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5, must be made or completed on or before Wednesday, June 3, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, May 29, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished.

When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon

(securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-15886 Filed 5-22-81; 1:55 pm]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 101

Wednesday, May 27, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., May 27, 1981.

CHANGES IN THE MEETING:

Postponed until June 2, 1981, at 10:00 a.m.
Domestic Exchange-Traded Commodity Option Pilot Program.

[S-6351-01 Filed 5-21-81; 4:35 pm]

BILLING CODE 6351-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda item from May 21, 1981 closed meeting

The following item has been deleted at the request of Terry Banks, Chief, Office of Opinions and Review from the list of agenda items scheduled for consideration at the May 21, 1981, Closed Meeting, and previously listed in the Commission's Notice of May 14, 1981.

Agenda, Item No., and Subject

Hearing—1—Authorized Appeal from an ALJ's interlocutory ruling in the Aurora, Illinois Section 307(b) proceeding. (BC Docket Nos. 80-432, 80-433).

Additional information concerning this item may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: May 21, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-620-61 Filed 5-22-81; 10:30 am]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda items from May 21, 1981 open meeting

The following items have been deleted at the request of the Office of Chairman Fowler from the list of agenda items scheduled for consideration at the May 21, 1981 Open Meeting, and previously listed in the Commission's Notice of May 14, 1981.

Agenda, Item No., and Subject

Private Radio—4—Title: Amendment of Part 90 of the Commission's rules to designate frequencies in the 806-821 MHz and 851-866 MHz bands for slow-growth land mobile radio systems of certain categories of users; to allocate frequencies in these bands for specific groups of radio services frequency pools; to facilitate authorization of wide-area mobile radio communications systems on frequencies allocated for trunked systems; and to allocate additional frequencies in these bands to loaded Specialized Mobile Relay-Trunked systems located in areas having all presently allocated trunked frequencies assigned (PR Docket Nos. 79-191 and 79-334; RM-3691). Summary: The FCC will consider whether to adopt a Further Notice of Proposed Rule Making that acts upon petitions for reconsideration of its Report and Order making special provision for slow-growth private land mobile radio systems in the 806-821 MHz and 851-866 MHz bands for certain categories of radio users (PR Docket No. 79-191, FCC 80-663, released December 10, 1980); whether to allocate frequencies in these bands, which have been in reserve, for specific groups of radio services frequency pools; whether to adopt proposed rules facilitating authorization of wide-area mobile radio communications systems on frequencies in these bands allocated for trunked systems (PR Docket No. 79-334, FCC 79-855, released January 3, 1980); and whether to institute rule making to allocate additional frequencies in these bands to loaded Specialized Mobile Relay-Trunked systems located in areas having all presently-allocated trunked frequencies assigned (RM-3691).

Common Carrier—2—Title: Delegation of Authority of Authority to the Chief, Common Carrier Bureau. Summary: The Commission will consider whether to delegate authority to the Chief, Common Carrier Bureau to amend the table of assignments for air-ground stations in the

Domestic Public Land Mobile Radio Service.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: May 21, 1981.

Federal Communication Commission.

William J. Tricarico,

Secretary.

[S-621-61 Filed 5-22-81; 10:30 am]

BILLING CODE 6712-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b) notice is hereby given that at 2:30 p.m. on Monday, June 1, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Grove Hall Savings Bank, Boston (Brighton), Massachusetts, an operating noninsured mutual savings bank.

Plymouth Savings Bank, Wareham, Massachusetts, an operating noninsured mutual savings bank.

Mineral Bank of Nevada, a proposed new bank, to be located at 1700 East Charleston Boulevard, Las Vegas, Nevada.

Nevada Banking Company, a proposed new bank, to be located at 259 Kingsbury Road, Stateline, Nevada.

Tennessee Bank and Trust, a proposed new bank, to be located at 7676 Highway 51 North, Millington, Tennessee.

Application for consent to establish a limited service facility:

Bank of Nitro, Nitro, West Virginia, for consent to establish a limited service facility at 1918 19th Street, Nitro, West Virginia.

Application for consent to add a subordinated capital note to the bank's capital structure and for advance consent to the retirement thereof at maturity:

Bank Leumi Trust Company of New York, New York (Manhattan), New York.

Applications for consent to merge and establish a branch:

Bangor Savings Bank, Bangor, Maine, for consent to merge, under its charter and title, with Houlton Savings Bank, Houlton, Maine, and to establish the sole office of Houlton Savings Bank as a branch of the resultant bank.

Community Bank & Trust, Salt Lake City, Utah, for consent to merge, under its charter and with the title "Pioneer Bank," with Pioneer Bank, Salt Lake City, Utah, and for consent to establish the sole office of Pioneer bank as a branch of the resultant bank.

Applications for consent to acquire assets and assume liabilities and establish branches, and for advance consent to retire capital notes:

Santa Ana State Bank, Santa Ana, California, for consent to purchase certain assets of and assume the liability to pay certain deposits made in the Main Office and the Whittier-Vancouver Unit Branch of Pan American National Bank of Los Angeles, Los Angeles, California, and to establish these two offices as branches of the resultant bank, and for advance consent to the retirement provisions of subordinated capital notes to be issued to Pan American National Bank of Los Angeles.

Request for modification of a condition imposed in granting Federal deposit insurance:

Sunrise Bank, Brownsville, Texas.

Request for rescission of a portion of a condition imposed in granting consent to relocate a main office:

Guaranty Bank & Trust Company of Morgan City, Morgan City, Louisiana.

Request for an exemption pursuant to Part 348.6(a)(2) of the Corporation's rules and regulations entitled "Management Official Interlocks":

United Savings Bank of Tecumseh, Tecumseh, Michigan.

Recommendation regarding prepayment of a promissory note payable to the FDIC.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,608-L (Amendment)—Banco Credito y Ahorro Ponceño, Ponce, Puerto Rico

Case No. 44,766-L—The Mission State Bank & Trust Company, Mission, Kansas

Case No. 44,780-L—State Bank of Clearing, Chicago, Illinois

Case No. 44,787-L—American Bank & Trust, Orangeburg, South Carolina

Case No. 44,789-SR—Surety Bank & Trust Company, Wakefield, Massachusetts

Case No. 44,790-L—Banco Economias, San German, Puerto Rico

Case No. 44,793-L—First Augusta Bank & Trust Company, Augusta, Georgia

Case No. 44,794-L—Franklin National Bank, New York, New York

Case No. 44,795-L—American Bank & Trust, Orangeburg, South Carolina

Case No. 44,804-L—American Bank & Trust, Orangeburg, South Carolina

Case No. 44,805-L—Franklin National Bank, New York, New York

Memorandum and Resolution re: Surety Bank & Trust Company, Wakefield, Massachusetts

Memorandum and Resolution re: Northern Ohio Bank, Cleveland, Ohio

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Reports of committees and officers:

Report of Director, Division of Liquidation:

Memorandum re: Reports Required Under Delegated Authority Status of Approved Committee Cases

Reports of the Director, Office of Corporate Audits:

Audit Report re: American City Bank and Trust Company, Milwaukee, Wisconsin.

Audit Report re: Warehouse Operations.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW, Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: May 22, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-623-81 Filed 5-22-81; 10:48 am]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, June 1, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Request by the Comptroller of the Currency for a report on the competitive factors involved in a proposed merger of First Alabama Bank of Mobile County, Bayou La Batre, Alabama, and The Merchants National Bank of Mobile, Mobile, Alabama.

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Hughes, Hubbard & Reed, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver liquidator, or liquidating agent of those assets:

Case No. 44,786-SR—The Farmers State Bank, Protection, Kansas

Memorandum and Resolution re: Amendment to Part 303 of the Corporation's rules and regulations, entitled "Applications, Requests, Submittals, and Notices of Acquisition," delegating authority to the Director of the Division of Bank Supervision to enter into memoranda of agreement pursuant to regulations of the Advisory Council on Historic Preservation which implement the National Historic Preservation Act.

Memorandum and Resolution re: Proposed amendments to Part 328 of the Corporation's rules and regulations, entitled "Advertisement of Membership".

Memorandum and Resolution re: Amendments to Delegations of Authority—Liquidation Activities.

Memorandum re: Guidelines for Sale of Securities.

Memorandum re: Contract for printing and distribution of FDIC loose-leaf reporting service.

Memorandum re: Renewal of two-year lease with Storage Technology Corporation for rental and maintenance of computer disk equipment.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the General Counsel:
Memorandum re: Reports of Actions Approved Under Delegated Authority—Settlement of Claims and Attorneys' Fees Approved for Payment.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: May 22, 1981.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-823-81 Filed 5-22-81; 10:40 am]
BILLING CODE 6714-01-M

6

FEDERAL HOME LOAN BANK BOARD.
"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be announced.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Friday, May 29, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled for Friday, May 29, 1981.

City of Chicago Home Improvement Loan Program.

No. 489, May 22, 1981.
[S-819-81 Filed 5-22-81; 10:30 am]
BILLING CODE 6720-01-M

7

FEDERAL HOME LOAN BANK BOARD.
"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be announced.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Friday, May 29, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board meeting scheduled for Friday, May 29, 1981.

Ownership of Now Accounts
Geographic Restrictions on Remote Service
Unite Operations
Charter S Regulations Amendments
No. 490, May 22, 1981.

[S-825-81 Filed 5-22-81; 1:22 pm]
BILLING CODE 6720-01-M

8

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, May 27, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. B. L. Anderson, Inc., Docket No. DENV 79-539-P; (Petition for Discretionary Review; issues include whether operation is subject to jurisdiction of the 1977 Mine Act.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-815-81 Filed 5-22-81; 9:42 am]
BILLING CODE 6820-12-M

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on June 18, 1981.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell, (202) 634-4015.

Dated: May 22, 1981.
[S-816-81 Filed 5-22-81; 10:30 am]
BILLING CODE 7600-01-M

10

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on June 11, 1981.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell, (202) 634-4015.

Dated: May 22, 1981.
[S-817-81 Filed 5-22-81; 10:30 am]
BILLING CODE 7600-01-M

11

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on June 4, 1981.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell, (202) 634-4015.

Dated: May 22, 1981.
[S-818-81 Filed 5-22-81; 10:30 am]
BILLING CODE 7600-01-M

12

[1P0401]

PAROLE COMMISSION.

TIME AND DATE:
Thursday, June 4, 1981, 9 a.m.-5:30 p.m.
Friday, June 5, 1981, 9 a.m.-5:30 p.m.

PLACE: Room 420-F, Park Place, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of prior meetings.
2. Reports from Chairman and Commissioners.
3. Legal Report.
4. Proposed Salient Factor Score Revision.
5. Proposed Severity Scale Revisions.
 - a. Murder/Manslaughter.
 - b. Opiates.
 - c. Division of the Greatest II offense severity category.
6. Changes in guidelines or related factors—Retroactive or Prospective Application.
7. Dispositional Revocation Hearings and related procedures.
8. Placement in Community Treatment Centers.
9. Parole on the basis of the record.
10. Original Jurisdiction Resignations—Failure to notify inmate.
11. National Appeals Board Decisions—Establishment of Commission policy.
12. Penalty for Parole Violation.
13. Proposed modified form of severity scale.

14. Parolees as Informants.
15. Clarification of rule at 28 C.F.R. § 2.28a(f).
16. Age of offender relating to selection of type of guideline to be applied.
17. Aggregation of sentences.
18. Commissioners conducting local revocation hearings.
19. *Consent Agenda*: The following Consent Agenda items only if specifically requested to be opened for discussion at the meeting. Policy and Procedures Memoranda issued since last meeting:
 - a. 81/3: Disclosure of Arrest Reports for Local Revocation Hearings.
 - b. 81/5: Good Cause to go Outside the Guidelines.
 - c. 81/6: Convictions under 21 U.S.C. § 848 (Engaging in a Continuing Criminal Enterprise).Regulations:
 - a. Disallowance of appeal of parole grants at the date of parole eligibility.
 - b. § 2.28(c) Revision to remove requirement for new initial hearing where the behavior leading to the new sentence has already been considered at a rescission hearing at which an effective or presumptive parole date has been granted.
 - c. Recommendation of no change to voting quorum on appeal of cases originally decided under 28 C.F.R. § 2.24(a).

CONTACT PERSON FOR MORE

INFORMATION: Barbara Meierhoefer, Research Office (301) 492-5980.

[S-826-81 Filed 5-22-81; 3:51 pm]

BILLING CODE 4410-01-M

13

[1P0401]

PAROLE COMMISSION.

TIME AND DATE:

Tuesday, June 2, 1981—9 a.m. to 5:30 p.m.

Wednesday, June 3, 1981—9 a.m. to 5:30 p.m.

PLACE: Room 420-F, Park Place, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Appeals to the Commission of approximately 20 cases decided by the National Commissioners pursuant to a reference under 28 CFR § 2.17 and appealed pursuant to 28 CFR § 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE

INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492-5928.

[S-827-81 Filed 5-22-81; 3:52 pm]

BILLING CODE 4410-01-M

14

SECURITIES AND EXCHANGE COMMISSION, "FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (46 FR 26981, May 15, 1981).

STATUS: Closed meeting.

PLACE: Room 824, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, May 12, 1981.

CHANGES IN THE MEETING: Additional meeting. The following items will be considered at a closed meeting scheduled for Thursday, May 21, 1981, following the 10:00 a.m. open meeting:

Formal orders of investigation.
Institution of administrative proceeding of an enforcement nature.
Litigation matter.

Chairman Shad and Commissioners Loomis, Evans, Friedman, and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Marcia MacHarg at (202) 272-2468.

May 20, 1981.

[S-824-81 Filed 5-22-81; 10:46 am]

BILLING CODE 8010-01-M

federal register

**Wednesday
May 27, 1981**

Part II

Federal Reserve System

**Truth in Lending; Proposed Official Staff
Commentary**

FEDERAL RESERVE SYSTEM**12 CFR Part 226****[Reg. Z; TIL-1]****Truth in Lending; Proposed Official Staff Commentary****AGENCY:** Board of Governors of the Federal Reserve System.**ACTION:** Proposed official staff interpretation.

SUMMARY: In accordance with Appendix C to 12 CFR Part 226, the Board's staff is publishing for comment a proposed official staff commentary to Regulation Z, as revised effective April 1, 1981 (46 FR 20848, April 7, 1981). The commentary applies and interprets the requirements of Truth in Lending to open-end and closed-end consumer credit, and is intended to substitute for individual Board and staff interpretations of the regulation. In order to make the final commentary available at the earliest possible time, commenters must submit their comments by July 10, 1981.

DATE: Comments must be received on or before July 10, 1981.

ADDRESS: Comments should include a reference to TIL-1 and should be mailed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B-2223, 20th and Constitution Avenue, N.W., Washington, D.C., between 8:45 a.m. and 5:15 p.m. To aid in their consideration, comments regarding each section should begin on a separate page. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT:

Contact the following attorneys in the Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, at (202) 452-3667 or (202) 452-3867:

Subpart A: Gerald Hurst, Beth Morgan, or Denise Rechter

Subpart B and Appendices: Ruth Amberg, Jesse Filkins, Lynn Goldfaden, Gerald Hurst, Barbara Ranagan, or John Wood

Subpart C and Appendices: Beth Morgan, Denise Rechter, Rugenia Silver, Susan Werthan, Claudia Yarus, or Steve Zeisel

Subpart D and Appendices: Lynn Goldfaden or Susan Werthan

SUPPLEMENTARY INFORMATION: Effective April 1, 1981, the Board substantially revised Regulation Z, which implements the Truth in Lending Act (46 FR 20848, April 7, 1981). The revisions reflect

amendments made by the Truth in Lending Simplification and Reform Act (Title VI of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. 96-221). Creditors may begin complying with the revised regulation immediately. Compliance does not become mandatory, however, until April 1, 1982. Before that date, creditors may continue to comply with the regulation as it existed prior to those amendments. Board and staff interpretations issued under the prior regulation will remain effective until that date.

The Board's Division of Consumer and Community Affairs is publishing a draft commentary on the revised regulation. The final commentary will be issued as an official staff interpretation, providing creditors with protection under § 130(f) of the Truth in Lending Act. Under that section, creditors acting in conformity with an official staff interpretation have no liability for violations arising from those actions.

The commentary will significantly alter the staff's approach to providing interpretations of the regulation. Under the prior regulation, staff opinions were issued in response to individual inquiries regarding specific fact situations, and were normally limited to those facts. Subsequent variations in those facts were similarly addressed in individual responses tailored to the variations. More than 1500 letters interpreting and applying the prior regulation were issued on this basis.

The commentary is expected to replace Board and staff interpretations as the sole vehicle for interpreting the regulation. The commentary will, however, be more general than the interpretations issued under the prior regulation. Unlike the earlier interpretations, the commentary will not attempt to address and resolve every question regarding the application of the regulation to specific sets of facts. Although originally designed to aid creditors in complying, the longstanding practice of trying to respond in writing to each and every special circumstance has instead created an enormous amount of regulatory material. The cumulative effect of the interpretations has been to complicate, rather than facilitate, compliance by layering one set of distinctions on top of another. Rather than resolving questions, this material in the aggregate has served to generate further questions.

In the past, creditor exposure to civil liability for technical violations of the regulation has also contributed to the demand for staff interpretations that sought to provide certainty in applying the regulation. The reduction in civil

liability resulting from the 1980 statutory amendments should reduce the perceived need for written responses to a variety of specific questions.

The commentary focuses on providing general guidance to assist creditors in applying the regulation to specific situations. That guidance may take several forms. The commentary may list examples that comply with a particular regulatory standard, discuss the impact of a regulatory provision on a prevalent type of plan or transaction, or draw together and elaborate on a related group of regulatory requirements.

The commentary does not purport to be exhaustive. It concentrates on material of general application whose inclusion will, in the staff's view, be useful to the widest possible audience. For example, the commentary provides several illustrations of ways in which closed-end credit disclosures may be segregated in accordance with the requirements of § 226.17(a). The examples chosen are those that appear most likely to be utilized by a number of creditors, although other methods may be equally permissible. Similarly, the commentary will address prevalent credit transactions, to the extent that they present important questions under the regulation. It will not, however, attempt to address each credit plan's unique set of facts. The commentary instead identifies several basic factors characterizing that type of transaction. Creditors must then determine whether the discussion applies to their own transactions given their particular variations. The staff expects to update the commentary on an annual basis, or more often as the need arises.

Each paragraph in the commentary is identified by section and in some cases by subsection. For example the comments for § 226.21 (*Treatment of credit balances*) are designated as comments 21-1 through 21-5, while the comments for § 226.18 (*Content of disclosures*) are further broken down and designated according to the particular subsection addressed, such as comment 18(b)-1 and 18(r)-1.

The following cross-references to related material appear at the end of each section of the commentary: (1) "Statute"—those sections of the Truth in Lending Act on which the regulatory provision is based; (2) "Other sections"—definitions and other provisions in the regulation relating to that subsection; (3) "Previous regulation"—parallel provisions in Regulation Z as it existed before April 1, 1981; and (4) "1981 changes." This last category is a brief description of the major changes made by the 1981

revisions to Regulation Z. The text of the commentary does not refer to the earlier regulation. However, a comparison to the prior regulation may in some cases be helpful in explaining the amended provision and may be of interest to some users, and the proposed commentary incorporates this information, to a limited extent, in the cross-references. The staff particularly solicits comment on whether this material should be retained.

Comment is welcome both on the substance of the material and on the format in which it is presented. Commenters are encouraged to focus on material of particular interest to them; they need not address every provision. The staff will consider for inclusion in the commentary any material appropriate for a staff interpretation of this scope, but commenters should not expect the commentary to answer every question or remove every possible ambiguity from the regulation. No comments that have the effect of revising or eliminating any requirements of the regulation itself will be considered. To expedite analysis of the comments, commenters are requested to identify portions of the commentary according to section and paragraph numbers and to begin discussion of each section on a separate page.

Comments must be received by Friday, July 10, 1981. After consideration of these comments and possible revision of the commentary, official staff interpretation TIL-1 will be published in final form in the Federal Register.

Official Staff Commentary—TIL-1

Subpart A—General

Section 226.1—Authority, purpose, coverage, organization, penalties and liabilities.

1. *Foreign applicability.* The regulation applies to all persons (including branches of foreign banks located in the United States) that extend consumer credit to residents (including resident aliens) of any "state" as defined in § 226.2. The regulation does not apply to a foreign branch of a U.S. bank extending credit to a U.S. citizen residing or visiting abroad or to a foreign national abroad. If an account is located in the United States and credit is extended to a U.S. resident, the transaction is subject to Regulation Z. This will be the case whether or not a particular advance on the account takes place in the United States and whether or not the extender of credit is chartered in the United States or a foreign country. Thus, a U.S. resident's use in Europe of a credit card issued by a bank in the

consumer's home town is covered by this regulation.

References

Statute: §§ 102, 105.

Previous regulation: § 226.1.

1981 changes: A paragraph on coverage has been added so that the reader will understand from the start what is subject to the regulation. A paragraph on organization explains the reorganization of the regulation into subparts that group together the provisions relating to general matters, open-end credit, closed-end credit, and miscellaneous rules. (The provisions on consumer leasing have been issued by the Board as a separate regulation, Regulation M, 12 CFR 213.)

Section 226.2—Definitions and rules of construction.

2(a) Definitions.

2(a)(2) Advertisement.

1. *Coverage.* Only commercial messages are advertisements. Messages inviting, offering, or otherwise announcing generally to prospective customers the availability of credit transactions, whether in visual, oral, or print media, are covered by the regulation. Examples include:

- Messages in a newspaper, magazine, leaflet, promotional flyer, or catalog.
- Announcements on radio, television, or public address system.
- Direct mail literature or other printed material on any exterior or interior sign.
- Point-of-sale displays.
- Telephone solicitations.
- Price tags that contain credit information.
- Letters sent to customers as part of an organized solicitation of business.
- Messages on checking account statements offering auto loans at a stated annual percentage rate.

The term does *not* include:

- Direct personal contacts, such as follow-up letters, cost estimates for individual consumers, and oral or written communication relating to the negotiation of a specific transaction.
- Informational material distributed only to business entities.
- Notices required by state law, if state law mandates that a specific notice be displayed and only the information so mandated is included in the notice.
- News articles the use of which is controlled by the news media.
- Market research materials that do not solicit business.

2. *Persons covered.* All "persons" must comply with the advertising provisions in §§ 226.16 and 226.24, not just those that satisfy the "creditor" test

of paragraph (a)(17). However, under § 145 of the act, the owner or personnel of the medium in which an advertisement appears, or through which it is disseminated, are not subject to civil liability.

2(a)(3) Arranger of credit.

1. *Coverage.* There can be an arranger of credit only if the credit arranged involves a finance charge or is payable by written agreement in more than four installments and the person actually extending the credit is someone who does not meet the definition of "creditor," such as when an intermediary arranges a credit extension from a non-professional lender. For example, a consumer purchases a house and finances 60 percent through a bank and, as arranged by the real estate broker, 40 percent through the seller. The consumer signs two separate notes. In the first transaction the bank is the creditor; the real estate agent is not. In the second transaction, assuming that the seller is not a creditor, the real estate agent is an arranger of credit and thus subject to the regulation.

2. *Counting transactions.* The definition uses the same numerical tests—25 transactions per year or 5 transactions per year when secured by a dwelling—as the definition of "creditor." This test is measured by the number of credit extensions arranged in the preceding calendar year. Once the test is satisfied, all transactions in the succeeding year are covered. If the test was not satisfied in the preceding calendar year, then the current calendar year is the basis for the test. Instances in which credit is offered but not accepted do not count towards satisfaction of the numerical tests. (See the discussion under "creditor" for illustrations of how to count credit extensions.)

3. *Trusts.* A trust and its trustee are considered the same entity for purposes of determining whether a transaction is covered by the regulation. Therefore, a trustee is not an arranger of credit as to loans made on behalf of the trust. See the discussion under "creditor" for an explanation of when a trust is a creditor for purposes of the regulation.

2(a)(4) Billing cycle or cycle.

1. *Intervals.* In open-end credit plans, the billing cycle determines the intervals at which periodic disclosure statements must be sent; these intervals are also used as measuring points for other creditor duties. Typically, billing cycles are monthly, but they may be more or less frequent (but not less frequent than quarterly).

2. *Creditors that do not bill.* The term "cycle" is interchangeable with "billing

cycle" for definitional purposes, since some creditors' cycles do not involve the sending of bills in the traditional sense but only statements of account activity. This is commonly the case with financial institutions where periodic payments are made through payroll deduction or through automatic debit of the consumer's asset account.

3. *Equal cycles.* Although paragraph (a)(4) requires cycles to be "equal," there is a permissible variance to account for weekends, holidays, and differences in the number of days in months. Cycles are considered equal if the actual date of the statement does not vary by more than four days from a fixed "day" (for example, the third Thursday of each month) "date" (for example, the 15th of each month) that the creditor regularly uses. The requirement that cycles be equal applies even if a creditor applies a daily periodic rate to determine the finance charge, since the requirement is intended both to facilitate accurate disclosure of the annual percentage rate and to assure that statements are sent regularly.

4. *Payment reminder.* The sending of a regular payment reminder establishes a cycle for which the creditor must send periodic statements.

2(a)(6) Business day.

1. *Business function test.* There is no precise test for what constitutes "substantially all" of a creditor's business functions. Factors that indicate that the creditor is open for business include the availability of personnel to make loan disbursements, to authorize credit transactions, or to handle credit transaction inquiries. Factors that indicate that the creditor is not fully open for business include the bank's customer service windows being open only for limited purposes, such as deposits and withdrawals, bill paying, and related services.

2. *Rescission rule.* A more precise rule (all calendar days except Sundays and federal legal holidays listed in 5 U.S.C. 6103(a)) applies when the right of rescission is involved.

2(a)(7) Card issuer.

1. *Agent.* An "agent" of a card issuer is considered a card issuer; but as agency relationships are traditionally defined by contract and by state law, the regulation does not define "agent." Merely providing services relating to the production of credit cards or data processing for others, however, does not make one an agent of a card issuer. In contrast, a financial institution may become an agent of a card issuer if an agreement between the institution and the card issuer provides that the cardholder may use a line of credit with

the financial institution to pay obligations incurred by use of a credit card.

2(a)(8) Cardholder.

1. *General rule.* A cardholder is a natural person at whose request a card is issued for consumer credit purposes or who is a co-obligor or guarantor for such a card issued to another. The second category does not include an employee who is a co-obligor or guarantor on a card issued to the employer for business purposes, nor does it include a person who is merely the authorized user of a card issued to another.

2. *Limited application of regulation.* For the limited purposes of the sections on issuance of credit cards and liability for unauthorized use, a "cardholder" includes any person, including an organization, to whom a card is issued for any purpose—including a business, agricultural, or commercial purpose.

3. *Issuance.* See the commentary to § 226.12(a).

4. *Dual-purpose cards.* Some creditors offer dual-purpose cards that are for business as well as consumer purposes. When a card is issued to an individual for consumer purposes, the fact that an organization has guaranteed to pay the debt does not make it business credit. On the other hand, when a card is issued for business purposes, the fact that an individual sometimes uses it for consumer purchases does not subject the card issuer to the provisions on periodic statements, billing error resolution, and other protections afforded to consumer credit. Some card issuers offer dual-card systems—that is, they issue two cards to the same individual, one intended for business use, the other for consumer or personal use. With such a system, the same person may be a cardholder for general purposes when using the card issued for consumer use, and a cardholder only for the limited purposes of the restrictions on issuance and liability when using the card issued for business purposes.

2(a)(9) Cash price.

1. *Components.* The cash price is not a required disclosure, but the amount is a starting point in computing the amount financed under § 226.18(b) for credit sales. Any charges imposed equally in cash and credit transactions may be included in the cash price, or they may be treated as "other amounts financed" under § 226.18(b)(2). The cash price does not include any part of the finance charge.

2. *Service contracts.* "Service contracts" include contracts for the repair or the servicing of goods, such as mechanical breakdown coverage, even

if it is characterized as a form of insurance under state law.

3. *Rebates.* Creditors have complete flexibility in the way that they treat rebates for purposes of disclosure and calculation. This is true whether the rebate is given by a seller or a manufacturer. Creditors may make disclosures without taking these amounts into account, or may reflect the rebate in the disclosures. For example, when the seller and consumer agree to apply the amount of a rebate to the price of the goods, that amount may be included, at the creditor's option, in the downpayment disclosed to the consumer.

2(a)(10) Closed-end credit.

1. *General.* The coverage of this term is defined by exclusion. That is, it includes any credit arrangement that does not fall within the definition of "open-end credit." The disclosure rules for closed-end credit are found in Subpart C.

2(a)(11) Consumer.

1. *Scope.* Guarantors, endorers, and sureties are not generally consumers for purposes of the regulation, but they may be entitled to rescind under certain circumstances.

2. *Rescission rules.* For purposes of rescission under §§ 226.15 and 226.23, a consumer includes any natural person whose home is subject to the risk of loss as a consequence of the security interest taken in a credit transaction. Thus, if a security interest is taken in A's ownership interest in "Fair Oaks" and Fair Oaks is A's principal dwelling, A is a consumer for purposes of rescission, even if A is not liable, either primarily or secondarily, on the underlying credit transaction.

3. *Land trusts.* Credit extended to land trusts, as described in the commentary to § 226.3, is considered consumer credit extended to a consumer for purposes of this regulation.

2(a)(12) Consumer credit.

1. *"Primarily" test.* There is no precise test for what constitutes credit offered or extended for personal, family, or household purposes, nor for what constitutes "primarily." See, however, the discussion of business purposes in the commentary to § 226.3.

2(a)(13) Consummation.

1. *State law governs.* When a contractual obligation on the consumer's part is created is a matter to be determined under state law; Regulation Z does not make this determination. Consummation does not occur merely because the consumer has made some financial investment in the transaction (for example, by paying a nonrefundable

fee) unless, of course, state law holds otherwise.

2. *Credit v. sale.* Consummation does not occur when the consumer becomes contractually committed to a *sale* transaction, unless the consumer also becomes legally obligated to accept a particular credit arrangement. For example, when a consumer pays a nonrefundable deposit to purchase an automobile, a purchase contract may have arisen, but consummation for purposes of the regulation does not occur unless the consumer also contracts for financing at that time.

2(a)(14) Credit.

1. *Exclusions.* The following situations are not considered credit for purposes of the regulation:

- Layaway plans, unless the consumer is contractually obligated to continue making payments. Whether the consumer is so obligated is a matter to be determined under state law. The fact that the consumer is not entitled to a refund of any amounts paid towards the cash price of the merchandise does not bring layaways within the definition.
- Tax liens, tax assessments, and court judgments (including the reaffirmation of a debt discharged in bankruptcy, if approved by a court). However, third-party financing of such obligations (for example, obtaining a bank loan to pay off a tax lien) is credit for purposes of the regulation.
- Insurance premium plans that involve payment in installments with each installment representing the payment for insurance coverage for a certain future period of time.
- Home improvement transactions involving progress payments when the consumer pays, as the work progresses, only for work completed with no contractual obligation to continue payments.
- "Borrowing" against the accrued cash value of an insurance policy or a pension account, where there is no independent obligation to repay.
- The issuance of letters of credit and the execution of option contracts. However, there may be an extension of credit when the letter of credit is presented for payment or the option exercised, if there is a deferral of the payment of a debt at that time.
- Investment plans in which the party extending capital to the consumer risks the loss of the capital advanced. For example, an arrangement with a home purchaser in which the investor pays a portion of the downpayment and of the periodic mortgage payments in return for an ownership interest in the property, and shares in any gain or loss of property value.

2(a)(15) Credit card.

1. *General.* A credit card must be usable "from time to time." This standard contemplates repeated use of a single device and therefore the definition excludes checks, and similar instruments usable only once to obtain a single credit extension.

2. *Examples.* The following are examples of credit cards:

- A card that guarantees checks or similar instruments, if the asset account is also tied to an overdraft line.
- A card that accesses both a credit and an asset account (a combined credit-debit card).
- An identification card that permits a consumer to defer payment on a purchase.
- An identification card indicating loan approval that is presented to a merchant or to the lender, whether or not the consumer signs a separate promissory note for each credit extension.

2(a)(16) Credit sale.

1. *Special disclosure.* Whenever the seller is a creditor in a transaction, the transaction is a credit sale and the special credit sale disclosures, such as the "total sale price" under § 226.18(j), must be given. This applies even when there is more than one creditor in the transaction and the creditor making the disclosures is not the seller.

2. *Arranger of credit.* If the seller of the property of services involved is not a creditor as to that sale, even though the seller may have arranged for financing, the transaction is not a credit sale. Thus, when a seller assists a consumer in obtaining a direct loan from a financial institution to whom the consumer's note is made payable, the transaction is a loan transaction and only the financial institution is a creditor.

3. *Refinancings.* When a credit sale is refinanced within the meaning of § 226.20, the refinancing is not a credit sale, unless a new sale of goods or services is also involved.

4. *Incidental sales.* Some lenders "sell" a product or service—such as credit, property, or health insurance—as part of a loan transaction. Section 226.4 contains the rules on whether credit life or property insurance is in the finance charge. If the insurance is financed, it may be disclosed as a separate credit sale transaction or disclosed as part of the primary transaction; if the latter approach is taken, either loan or credit sale disclosures may be made. (See the commentary to § 226.17(c) for further discussion of this point.)

2(a)(17) Creditor.

1. *General.* The definition sets out five criteria in paragraphs (a)(17)(i) through

(v); if any one of them is met, the person is a creditor.

2. *Prerequisites.* Paragraph (a)(17)(i) of this definition contains a frequency standard for determining when a person is a creditor. Two conditions must be met in order for a particular credit extension to be subject to the regulation and for the credit extension to be counted towards satisfaction of the numerical tests.

First there must be either:

- A written, rather than an oral, agreement to pay in more than 4 installments. (A letter sent by the creditor that merely confirms an oral agreement does not constitute a written agreement for purposes of the regulation.) Or,
- A finance charge imposed for the credit. (The obligation to pay the finance charge need not be in writing.)

Second, the obligation must be payable to a person who would be a creditor. Thus, a single payment obligation without a finance charge does not count toward the numerical tests, nor is such a credit extension subject to the disclosure requirements of the regulation. The examples discussed below illustrate how the tests are applied. These examples assume that consumer credit with a finance charge or written agreement for more than 4 installments was extended in the years in question and that the person did not extend such credit in 1982.

3. *Counting transactions.* Normally the number of transactions is measured by the preceding calendar year; if the requisite number is met, then the person is a creditor for all transactions in the current year. However, when a person did not meet the test in the preceding year, the number of transactions is measured by the current calendar year. For example, if a person extends consumer credit 26 times in 1983, it is a creditor for purposes of the regulation for all extensions of consumer credit in 1984. On the other hand, if a business begins in 1983 and extends consumer credit 20 times, it is not a creditor for purposes of the regulation in 1983. If it extends consumer credit 75 times in 1984, however, it becomes a creditor for purposes of the regulation (and must begin making disclosures) after the 25th extension of credit in that year.

4. *Effect of satisfying one test.* Once one of the numerical tests is satisfied, the person is also a creditor for the other type of credit. For example, in 1983 a person extends unsecured consumer credit more than 25 times. That person is a creditor for all succeeding credit

extensions, whether they involve credit secured by a dwelling or not.

5. *Relationship between consumer credit in general and credit secured by a dwelling.* Extensions of credit secured by a dwelling are counted towards the 25-extensions test. For example, if in 1983 a person extends unsecured consumer credit 23 times and consumer credit secured by a dwelling twice, it becomes a creditor for the succeeding extensions of credit, whether or not they are secured by a dwelling. On the other hand, the extensions of consumer credit not secured by a dwelling are not counted towards the number of credit extensions secured by a dwelling. For example, if in 1983 a person extends credit not secured by a dwelling 8 times and credit secured by a dwelling 3 times, it is not a creditor.

6. *Trusts.* In the case of credit extended by trusts, each individual trust is considered a separate entity for purposes of applying the "creditor" criteria. For example, a bank is the trustee for Trust A which makes 15 extensions of consumer credit annually, Trust B which makes 10 extensions of credit annually, and Trust C which makes 30 extensions of credit annually. Only Trust C is a creditor for purposes of the regulation. The trustee is considered the same entity as the trust extending the credit; therefore, a trustee can never be considered an "arranger of credit."

7. *Arranger of credit.* Paragraph (a)(17)(ii) provides that a person who is an arranger of credit is deemed to be a creditor for purposes of the regulation. (See the commentary to that definition for further guidance.)

8. *Card issuers subject to Subpart B.* Paragraph (a)(17)(iv) makes certain card issuers creditors for purposes of the open-end credit provisions of the regulation. This includes, for example, the issuers of so-called "travel and entertainment" cards that contemplate repayment at the first billing and do not impose a finance charge. As all disclosures are to be made only "as applicable," such card issuers would omit finance charge disclosures. Other provisions of the regulation regarding such areas as scope, definitions, finance charges, Spanish language disclosures, record retention, and use of model forms, also apply to such card issuers.

9. *Card issuers subject to Subparts B and C.* Paragraph (a)(17)(v) includes card issuers extending closed-end credit in which there is a finance charge or an agreement to repay in more than four installments. These card issuers are subject to the appropriate provisions of Subparts B and C, as well as to the general provisions.

2(a)(18) Downpayment.

1. *Allocation.* If a consumer makes a lump-sum payment, partially to reduce the cash price and partially to pay prepaid finance charges, only the portion attributable to reducing the cash price is part of the downpayment.

2. *Pick up payments.* Creditors may treat the deferred portions of the downpayment, often referred to as "pick-up payments," in a number of ways. For example, when the pick-up payment is treated as part of the downpayment:

- It is deducted in arriving at the amount financed under § 226.18(b).
- It is deducted in arriving at the amount financed under § 226.18(b).
- It may, but need not, be reflected in the payment schedule under § 226.18(g).

When the pick-up payment does not meet the definition (for example, if it is payable after the second scheduled payment) or if the creditor chooses not to treat it as part of the downpayment:

- It must be included in the amount financed.
- It must be shown in the payment schedule.

Whichever way the pick-up payment is treated, the total of payments under § 226.18(h) must equal the sum of the payments disclosed under § 226.18(g).

2(a)(19) Dwelling.

1. *Scope.* A dwelling need not be the consumer's principal residence to fit this definition and thus could include a vacation or second home. However, for purposes of rescission the dwelling must be the principal residence of the consumer. (See the commentary to §§ 226.15 and 226.23 for further guidance.)

2. *Use as a residence.* Mobile homes, boats, and trailers are included in the definition if they are in fact used as residences, just as are condominiums and cooperatives. Recreational vehicles, campers, and the like not used as residences are not dwellings.

3. *Relation to exemptions.* Any transaction involving a security interest in a dwelling remains subject to the regulation despite the general exemption in § 226.3(b) of credit extensions over \$25,000.

2(a)(20) Open-end credit.

1. *General.* This definition describes the characteristics of open-end credit (for which the applicable disclosure and other rules are contained in Subpart B), as distinct from closed-end credit (for which the pertinent rules are in Subpart C). Open-end credit is consumer credit that is extended under a plan and meets all three criteria set forth in the definition.

2. *Existence of a plan.* The definition assumes that there is a "plan," which connotes a contractual arrangement between the creditor and the consumer. Some creditors offer programs containing a number of different credit features. The consumer is deemed to have a single account with the institution that could be accessed repeatedly via a number of sub-accounts established for the different program features and rate structures. Some features of the program might be used repeatedly (for example, an overdraft) while others might be used infrequently (such as the part of the credit line available for secured credit). If the program as a whole is under prescribed terms and otherwise meets the open-end credit definition, such a program would be considered a single, multi-featured plan.

2. *Repeated transactions.* Under this criterion, the creditor must reasonably contemplate repeated transactions. This means that the credit plan must be usable from time to time and the creditor must have a legitimate expectation of repeat business. The definition therefore reflects the view stated in the legislative history that consumers should be given essential closed-end cost disclosures, such as the finance charge and the total of payments, if a creditor makes what is likely to be a one-time credit extension, for example, when the initial transaction is the purchase of a home improvement, an automobile, or an item sold on a door-to-door basis. The creditor must expect repeated dealings with the consumer under the credit plan as a whole, and need not believe the consumer will reuse a particular feature of the plan. A standard based on "reasonable" belief by a creditor necessarily includes some margin for judgmental error. The fact that a particular consumer does not return for further credit extensions does not prevent a plan from having been properly characterized as open-end. This criterion is a question of fact to be decided in the context of the creditor's type of business, and the creditor's relationship with a consumer. For example:

- It would be more reasonable for a thrift institution chartered for the benefit of its members to contemplate repeated transactions with a member, than for a seller of aluminum siding to make the same assumption about its customers.
- It would be more reasonable for a bank to make advances from a line of credit for the purchase of an automobile than for an automobile

dealer to sell a car under an open-end plan.

3. Finance charge on outstanding balance. The requirement that a finance charge may be computed and imposed from time to time on the outstanding balance means that there is not at the outset a specific amount financed for which the finance charge, total of payments, and payment schedule can be calculated. A plan does not meet this criterion if purchases may be added from time to time, and the balance is payable either in full or in installments, with no possibility of a periodic finance charge. In such a case, closed-end series-of-sales disclosures under § 226.17(h) may be appropriate.

4. Reusable line. The total amount of credit that may be extended during the existence of an open-end plan is unlimited because available credit is generally replenished as earlier advances are repaid. A line of credit is self-replenishing even though the plan itself has a fixed expiration date, as long as during the plan's existence the consumer may use the line, repay, and reuse the credit without specific approval for each extension (beyond verification of credit information such as the consumer's continued income and employment status). This criterion of unlimited credit distinguishes open-end credit from a series of advances made pursuant to a loan commitment. For example:

- Under a closed-end commitment a creditor might agree to lend a total of \$10,000 in a series of advances as needed by the consumer. When a consumer has borrowed the full \$10,000, no more is advanced under that particular agreement, even if there has been repayment of a portion of the debt.

This criterion does not mean that the line of credit must always be replenished to its original amount. A creditor may reduce the credit limit or refuse to extend new credit in a particular case due to changes in the economy, the creditor's financial condition, or in the consumer's creditworthiness. While consumers should have a reasonable expectation of obtaining credit as long as they remain current and within any preset credit limits, further extensions of credit need not be an absolute right in order for the plan to meet the replenishing criterion.

5. Open-end real estate mortgages. Some credit plans call for negotiated advances under so-called open-end real estate mortgages. Each such plan must be independently measured against the definition of open-end credit, regardless of the terminology used in the industry

to describe the plan. The fact that a particular plan is called an "open-end real estate mortgage," for example, does not determine that it is open-end credit under the regulation.

2(a)(21) Periodic rate.

1. Basis. The rate may be stated as a percentage (for example), 1½% per month, or as a decimal equivalent (for example, .015 monthly). It may be based on any portion of a year the creditor chooses. Some creditors use 1/360 of a year as their period. A creditor that uses 1/360 of a year as a period:

- Would have to apply the rate to the balance to disclose the annual percentage rate with the degree of accuracy required in the regulation i.e., within 1/8 of 1 percentage point based on the actual 365 days in the year).
- May disclose a 1/360 rate as a "daily" periodic rate, without further explanation, if it is in fact only applied 360 days per year. But if it applies that rate for 365 days, the creditor would have to note that fact and, of course, disclose the true annual percentage rate.

2. Transaction charges. A periodic rate does not include initial one-time transaction charges, even if the charge is computed as a percentage of the transaction amount.

2(a)(22) Person.

1. Scope. The definition includes joint ventures.

2(a)(23) Prepaid finance charge.

1. General. Prepaid finance charges must be taken into account under § 226.18(b) in computing the disclosed amount financed, and must be disclosed if the consumer requests an itemization of the amount financed.

2. Examples. Common examples of prepaid finance charges are:

- Buyer's points.
- Service fees.
- Loan fees.
- Finder's fees.
- Loan guarantee insurance.
- Credit investigation fees.

However, in order for these or any other finance charges to be considered prepaid, they must either be paid separately in cash or check or withheld from the proceeds.

3. Exclusions. "Add-on" and "discount" finance charges are not prepaid finance charges for purposes of this regulation. Finance charges are not "prepaid" merely because they are precomputed, whether or not a portion of the charge will be rebated to the consumer upon prepayment.

2(a)(24) Residential mortgage transaction.

1. Relation to other sections. This term is important in four provisions in the regulation:

- § 226.4(c)(7)—exclusions from the finance charge.
- § 226.18(q)—whether or not the mortgage is assumable.
- § 226.19—special timing rules.
- § 226.23(f)—exemption from the right of rescission.

2. Lien status. The definition is not limited to first lien transactions. For example, a consumer might assume a paid-down first mortgage and borrow the balance of the purchase price from a creditor who takes a second mortgage. The second mortgage transaction is a "residential mortgage transaction" if the dwelling purchased is the consumer's principal residence.

3. Principal dwelling. A consumer can only have one principal dwelling at a time. Thus, a vacation or other second home would not be a "principal" dwelling.

2(a)(25) Security interest.

1. Scope. To fall within this definition, an interest in property that secures performance must be recognized as a security interest under State or Federal law. The regulation does not provide such a determination. Security interests include:

- UCC security interests.
- Real estate mortgages.
- Deeds of trust.

2. Exclusions. The definition of security interest excludes three groups of interests:

- Incidental interests.
- Interests in after-acquired property.
- Interests that arise solely by operation of law.

Since they are not security interests, they may not be disclosed with the disclosures required in closed-end credit. A creditor is not precluded, however, from preserving these rights elsewhere in the contract documents or security agreement, or invoking and enforcing such rights, if it is otherwise lawful to do so.

3. Incidental interests. Incidental interests in property that are not security interests include:

- Assignments of rents.
- Condemnation proceeds.
- Accessories.
- Replacements.

The notion of an "incidental interest" does not encompass an explicit security interest in an insurance policy where that policy is the primary collateral for the transaction—for example, in an insurance premium financing

transaction. This would be a disclosable security interest.

4. *Operation of law.* Interests that arise solely by operation of law are excluded from the general definition. However, if a recognized security interest both arises by operation of law and is provided by contract—such as a wage assignment or a right of setoff—there is a disclosable security interest.

5. *Rescission rules.* Security interests that arise solely by operation of law are security interests for purposes of rescission. Examples of such interests are mechanics' and materialmen's liens.

2(b) Rules of construction.

1. *Footnotes.* Footnotes are used extensively in the regulation to provide special exceptions and more detailed explanations and examples. Material that appears in a footnote has the same legal weight as material in the body of the regulation.

References

Statute: § 103.

Previous regulation: §§ 226.2, 226.8, and 226.9.

1981 changes: This section reflects numerous deletions from, and some additions to, the definitions in the previous regulation. Deleted are separate definitions for period, comparative index of credit cost, real property, organization, residence, real property transaction, discount, and surcharge. The definitions relating specifically to consumer leases are now found in the separate consumer leasing regulation, Regulation M.

Several terms are now defined elsewhere in the regulation or commentary. For example, "finance charge" is described and explained in § 226.4, and "agricultural purpose" is discussed in the commentary to § 226.3. Some terms such as "unauthorized use," are now defined as part of the substantive sections to which they apply. Other terms previously defined, such as "customer" and "organization," are merged into new definitions. This section contains new definitions for arranger of credit, business day, closed-end credit, downpayment, residential mortgage transaction, prepaid finance charge, and consumer.

The major changes in the definitions are as follows:

"Arranger of credit" has a significantly different meaning than the term "arrange for the extension of credit" under the previous regulation. The new definition reflects the statutory amendment which limits "arrangers" to those who regularly arrange credit extensions for persons who are not themselves creditors.

"Billing cycle" largely restates the prior definition, but requires cycles to be regular, and allows the four-day variance to be measured from a regular day as well as date. The definition also incorporates an interpretation that cycles may be no longer than quarterly.

"Business day" is new in the sense that the term previously appeared only in a footnote to the rescission provision, but it is now of general applicability. The general rule that it is a day when the creditor is open for business is new, but the rule for rescission purposes is the same as in the previous regulation.

"Cash price" now explicitly permits inclusion of various incidental charges imposed equally in cash and credit transactions.

"Consumer" is generally narrower than the previous definition. It excludes guarantors, sureties, and endorser from the general definition.

"Consumer credit" reflects the new statutory exemption for agricultural credit.

"Consummation" is a significant departure from longstanding interpretations of the previous definition. It now focuses only on the time the consumer becomes contractually obligated, rather than when the consumer pays a nonrefundable fee or suffers an economic penalty for failing to go forward with the credit transaction.

"Credit" generally parallels the previous definition, but modifies the previous interpretations of the definition by excluding more transactions.

"Creditor" reflects the statutory amendments to the act that were intended principally to eliminate the problem of multiple creditors in a transaction. The "regularly" standard is still used, but it is now defined in terms of the frequency of the transactions. The new definition also requires that there be a written agreement to pay in more than four installments to trigger that part of the definition, if no finance charge is imposed. Finally, the obligation must be initially payable to a person for that person to be a creditor.

"Downpayment" incorporates the substance of a previous interpretation concerning "pick-up payments."

"Dwelling" reflects the statutory amendment that expanded the scope of the definition to include any residential structure, whether or not it is real property under state law.

"Open-end credit" reflects the amended statutory language that the plan must be one under which the creditor reasonably contemplates repeated transactions. The new definition no longer requires the

consumer to have the privilege of paying either in installments or in full.

"Periodic rate" combines the previous definitions of "period" and "periodic rate" with clarification in the commentary concerning transaction charges and 360-day year factors.

"Security interest" is much narrower than the previous definition. Reflecting the legislative history of the simplification amendments, incidental interests are expressly excluded from the definition. Except for purposes of rescission, interests that arise solely by operation of law are also excluded.

Section 226.3—Exempt transactions.

3(a) Business, commercial, agricultural or organizational credit.

1. *"Primarily" test.* No hard and fast rule is possible in applying the test of whether the credit is "primarily" for one of the purposes stated in paragraph (a)(1). Each transaction must be looked at and evaluated as a whole to determine whether it constitutes consumer credit requiring disclosures. The creditor itself is normally in the best position to make this determination. If some question exists as to the primary purpose for a credit extension, the creditor is, of course, free to make the disclosures, and the act that disclosures are made under such circumstances is not controlling on the question of whether the transaction was exempt.

2. *factors.* In determining whether credit to finance an investment—such as securities, antiques, or art—is primarily for business or commercial purposes (as opposed to a consumer purpose), the following factors should be considered:

- Whether the borrower's primary occupation is closely related to the investment. The more closely related, the more likely it is to be business purpose.
- The degree to which the borrower will personally manage the investment. The more personal involvement there is, the more likely it is to be business purpose.
- The ratio of investment income to the total income of the consumer. The higher the ratio, the more likely it is to be business purpose.
- The size of the transaction. The larger the transaction, the more likely it is to be business purpose.

This list is intended to suggest the types of factors that a creditor should consider, since each transaction will merit an individual analysis. Some examples of what may be business-purpose credit are:

- A loan to expand a business, even if it is secured by the borrower's residence or personal property.

- A loan to improve a principal residence by putting in a business office.
- A loan to a real estate broker to buy property for rental purposes.

Examples of what may be consumer-purpose credit are:

- Credit extensions by a company to its employees or agents if the loans are used for personal purposes.
- A loan secured by a mechanic's tools to pay a child's tuition.

3. Non-owner-occupied rental property. Credit extended to acquire, improve or maintain rental property (regardless of the number of housing units) that is not owner-occupied is deemed to be for business purposes. This includes, for example, the acquisition of a single-family house that will be rented out to another person. If the owner expects to occupy the property for any portion of the coming year, it cannot be considered non-owner occupied. For example, a beach house that the owner will occupy part of the next year and rent out the rest of the year is owner occupied and therefore not subject to this special rule. Paragraph 4 below discusses other rules relating to rental property.

4. Owner-occupied rental property. If credit is extended to acquire, improve or maintain rental property that is or will be owner-occupied within the year, different rules apply:

- Credit extended to acquire such property is deemed to be for business purposes if it contains more than two housing units.
- Credit extended for other than acquisition—for example, to improve or maintain the property—is deemed to be for business purposes if it contains more than four housing units. This rule reflects the statutory definition of "dwelling" (one to four housing units) and preserves the right of rescission for credit extended for purposes other than acquisition.

Neither of these rules means that an extension of credit for property containing fewer than the requisite number of units is necessarily consumer credit. In such cases, the determination of whether it is business or consumer credit should be made by considering the factors listed in paragraph 2 above.

5. Agricultural purpose. An "agricultural purpose" includes the planting, propagating, nurturing, harvesting, catching, storing, exhibiting, marketing, transporting, processing, or manufacturing of food, beverages (including alcoholic beverages), flowers, trees, livestock, poultry, bees, wildlife, fish, or shellfish by a natural person engaged in farming, fishing, or growing

crops, flowers, trees, livestock, poultry, bees or wildlife. The exemption also applies to a transaction involving real property that includes a dwelling (for example, the purchase of a farm with a homestead) if the transaction is primarily for agricultural purposes.

6. Organizational credit. The exemption in paragraph (a)(2) for transactions in which the principal borrower is not a natural person applies, for example, to loans to corporations, partnerships, associations, churches, unions, and fraternal organizations. The exemption applies regardless of the purpose of the credit extension and regardless of the fact that a natural person may guarantee or provide security for the credit.

7. Land trusts. Credit extended to a land trust is considered to be credit extended to a natural person rather than credit extended to an organization. In some jurisdictions, a financial institution financing a residential real estate transaction for a consumer uses a land trust mechanism. Title to the property is conveyed to the land trust for which the financial institution itself is trustee. The underlying installment note is executed by the financial institution in its capacity as trustee and payment is secured by a trust deed, reflecting title in the financial institution as trustee. In some instances, the consumer executes a personal guarantee of the indebtedness. The note indicates that it is payable only out of the property specifically described in the trust deed and that the trustee has no personal liability on the note. These transactions are subject to the regulation since in substance (if not form) consumer credit is being extended.

3(b) Credit over \$25,000 not secured by real property or a dwelling.

1. Coverage. Since a mobile home is defined as a "dwelling" in § 226.2(a)(19), this exemption does not apply to credit extensions secured by mobile homes (whether or not considered to be real property) even if the credit exceeds \$25,000. A loan commitment in excess of \$25,000 is exempt even though the amounts actually drawn may never actually reach \$25,000. An unsecured loan for over \$25,000 is exempt, but if it is later secured by real property or a dwelling, the transaction then becomes subject to the regulation for purposes of both disclosure and the right of rescission.

3(c) Public utility credit.

1. Examples. Public utility services that may be exempt under this provision include:

- Gas, water, or electrical services.
- Cable television services.

- Laying a new sewer line or city water line or installing conduits, telephone poles, or metering equipment in an area not already serviced by the utility.

This exemption does *not* apply to extensions of credit:

- To purchase appliances such as gas or electric ranges, grills, or telephones.
- To finance home improvements such as new heating or air conditioning systems.

3(d) Securities or commodities accounts.

1. Coverage. This exemption does not apply to a transaction with a state-registered broker, or to a bank loan in which the proceeds are used to purchase securities.

3(e) Home fuel budget plans.

1. Definition. Under typical home fuel budget plans, the fuel dealer generally estimates the total cost of fuel for the season, bills the customer for an average monthly payment, and makes an adjustment in the final payment for any difference between the estimated and the actual cost of the fuel. Fuel is delivered as needed, no finance charge is assessed, and the customer may withdraw from the plan at any time. Under these circumstances, the arrangement is exempt from the regulation, even if a charge to cover the billing costs is imposed.

References

Statute: §§ 103 (s) and (t), 104.

Previous regulation: § 226.3.

1981 changes: The business credit exemption has been expanded to include credit for agricultural purposes. The rule of Board Interpretation § 226.302, concerning credit relating to structures containing more than four housing units, has been modified and somewhat expanded by providing more exclusions for transactions involving rental property.

The exemption for transactions above \$25,000 secured by real estate has been narrowed; transactions secured by any dwelling (even if not considered real property) are subject to the regulation.

The utility credit exemption now covers the financing of the extension of a utility into an area not earlier served by the utility, in addition to the financing of services.

The securities credit exemption has been extended to broker-dealers registered with the CFTC as well as the SEC.

A new exemption has been created for home fuel budget plans.

Section 226.4—Finance charge.

4(a) Definition.

1. *Charges in comparable cash transactions.* Charges imposed uniformly in cash and credit transactions are not finance charges. In determining whether an item is a finance charge, the creditor should compare the credit transaction in question with an analogous cash transaction. For example, the following items are not finance charges:

- Taxes, license fees, or registration fees paid by both cash and credit customers.
- Discounts that are available to cash and credit customers, such as quantity discounts.
- Discounts available to a particular group of consumers because they are members of an organization or have accounts at a particular financial institution. This is the case even if an individual must pay cash to obtain the discount, provided that credit customers who are members of the group and don't qualify for the discount pay no more than the non-member cash customers.
- Charges for a service policy, auto club membership, or policy of insurance against latent defects offered to both cash and credit customers for the same price.

In contrast, the following items are finance charges:

- Inspection and handling fees for the staged disbursement of construction loan proceeds.
- Fees for preparing a Truth in Lending disclosure statement.
- Charges for a required maintenance or service contract imposed only in a credit transaction.

2. *Costs of doing business.* Charges absorbed by the creditor as a cost of doing business are not finance charges, even though the creditor takes such costs into consideration in determining the interest rates to be charged. However, if the creditor separately imposes a charge on the consumer to cover certain costs, that charge is a finance charge.

3. *Charges by third parties.* Charges imposed by someone other than the creditor for services that are not required by the creditor are not finance charges. An example of this:

- A fee charged by a loan broker to a consumer, provided the creditor does not require the use of a broker.

4(b) Examples of finance charges.

1. *Exclusions.* Charges or fees shown as examples of finance charges in paragraph (b) may be excludable under paragraphs (c), (d), or (e). For example:

- Premiums for credit life insurance, shown as an example of a finance

charge under paragraph (b)(7), may be excluded if the requirements of paragraph (d)(1) are met.

- Appraisal fees included under paragraph (b)(4) may be excluded for real property or residential mortgage transactions under paragraph (c)(7).

2. *Checking account charges.* The checking or transaction account charges discussed in paragraph (b)(2) include, for example, the following situations:

- An account with an overdraft line of credit has a \$4.50 service charge per month while an account without a credit feature has a \$2.50 service charge; the \$2.00 difference is a finance charge.
- A service charge of \$5.00 for each item that triggers an overdraft credit line is a finance charge. However, a charge imposed uniformly for any item that overdraws a checking account, regardless of whether the items are paid or returned and whether the account has a credit feature or not, is not a finance charge.

3. *Assumption fees.* The assumption fees mentioned in paragraph (b)(3) are finance charges only when the assumption occurs and the fee is imposed on the new buyer. The assumption fee is a finance charge in the new buyer's transaction.

4. *Credit loss insurance.* Common examples of the insurance against credit loss mentioned in paragraph (b)(5) are mortgage guaranty insurance, holder in due course insurance, and repossession insurance. Such premiums must be included in the finance charge only for the period that the creditor requires the insurance to be maintained.

5. *Existing insurance policy.* The insurance discussed in paragraph (b)(7) and (8) does not include an insurance policy (such as a whole life or automobile collision insurance policy) that is already owned by the consumer and assigned to or otherwise made payable to the creditor to satisfy an insurance requirement, as long as the insurance was not purchased for use in that credit extension. Such a policy is not "written in connection with" the transaction since it was previously owned by the consumer.

6. *Substitution of life insurance.* The premium for a life insurance policy purchased by the consumer and assigned to the creditor to satisfy a credit life insurance requirement must be included in the finance charge, but only to the extent of the cost of the credit life insurance if purchased from the creditor.

7. *Non-credit life or property insurance.* Fees for required insurance not of the types described in paragraphs

(b)(7) and (b)(8) are finance charges and are not excludable. For example:

- The premium for a hospitalization insurance policy, if it is required to be purchased only in a credit transaction, is a finance charge.

8. *Discounts for payment by other than credit.* Discounts to induce payment by other than credit, as mentioned in paragraph (b)(9), include, for example, the following situation:

- A seller of tracts of land offers individual tracts for \$10,000 each. If a purchaser pays cash, the price is \$9,000, but if the purchaser finances the tract with the seller the price is \$10,000. The \$1,000 difference is a finance charge for those who buy the tracts on credit.

Certain discounts are excludable from the finance charge under paragraph (c)(8).

4(c) Charges excluded from the finance charge.

1. *Application fees.* An application fee that is excluded from the finance charge under paragraph (c)(1) is a charge to recover the costs associated with processing applications for credit. If an application fee is charged only to applicants who receive an extension of credit, the fee is a finance charge.

2. *Late payment charges.* Late payment charges can qualify for the exclusion from the finance charge under paragraph (c)(2) whether or not the person imposing the charge continues to extend credit on the account or to provide property or services to the consumer. In determining whether a charge is for actual unanticipated late payment, factors to be considered include:

- The terms of the account. For example, is the consumer required by the account terms to pay the account balance in full each month? If not, the charge may be a finance charge.
- The practices of the creditor in handling the accounts. For example, regardless of the terms of the account, does the creditor allow consumers to pay the accounts over a period of time without demanding payment in full or taking other action to collect? If no effort is made to collect the full amount due, the charge may be a finance charge.

3. *Participation fees.* The participation fees mentioned in paragraph (c)(4) do not necessarily have to be formal membership fees, nor are they limited to credit card plans. The provision applies to any credit plan where payment of a fee is a condition of access to the plan itself, but does not apply to fees imposed separately on individual

closed-end transactions. Minimum monthly charges or other charges based on current account activity are not excluded from the finance charge by this provision.

4. *Seller's points.* The seller's points mentioned in paragraph (c)(5) include any charges imposed by a creditor upon the seller of property for providing credit to the buyer of the property. These charges are excluded from the finance charge whether or not they are passed on to the buyer in the form of a higher sales price. Seller's points are most often involved in real estate transactions guaranteed or insured by governmental agencies. Buyer's points (that is, points charged to the buyer by the creditor), however, are finance charges.

5. *Lost interest.* Certain federal and state laws mandate a percentage differential between the interest rate paid on a deposit and the rate charged on a loan secured by that deposit. If the creditor reduces the interest rate paid on the account or the certificate of deposit, the consumer loses some of the interest that would have been earned. Under paragraph (c)(6), such "lost interest" need not be included in the finance charge. This rule applies only to an interest reduction imposed because a rate differential is required by law. If a bank or other financial institution reduces the interest rate on a savings account or stops paying interest for the term of a credit transaction (including an overdraft on a checking account), and that action is not required by law, the interest lost is a finance charge.

6. *Real estate or mortgage charges.* The list of charges contained in paragraph (c)(7) apply both to residential mortgage transactions and to other transactions secured by real estate, including for example, the purchase of a mobile home. The fees are excluded from the finance charge even if the services for which the fees are imposed are performed by the creditor's employees rather than by a third party. In addition, the category of credit report fees includes not only the report itself, but also verification of information in the report. In all cases, the charges must be bona fide and reasonable.

Alternative I for Cash Discounts¹

7. *Cash discounts—coverage.* The discounts mentioned in paragraph (c)(8) are discounts offered to induce consumers to pay for property or

services by cash, check, or other means not involving the use of a credit card (whether open-end or closed-end credit is involved). The discount may not exceed 5% of the regular price of the property or service being sold. The regular price of the property or service is (1) the tagged or posted price, if only one price is tagged or posted, or (2) the price paid by consumers using a credit card, if no price is tagged or posted or if two prices are tagged or posted. Payment by a check or other negotiable instrument that results in the debiting of a consumer's credit card account does not constitute payment by use of a credit card for purposes of determining the regular price. A transaction on a credit card plan using only the card or account number, but not the credit card itself (for example, ordering tickets by telephone), is considered a transaction involving the use of a credit card.

8. *Availability of discount.* The discount must be available to consumers whether or not they are cardholders, and the availability of the discount must be disclosed to the consumer before payment for the purchase is made. A merchant might disclose the availability in any of the following ways:

- By posting a sign at the entrances to its store.
- By posting a sign at cash registers or other points of payment.
- Orally when the transaction involves the telephone, provided the oral disclosure is made prior to the time the consumer pays by use of a credit card number.

9. *Advertising a discount.* Advertisements or other solicitations for the sale of property or services that disclose a price that is not available to consumers using a credit card must also disclose that the stated price is so limited.

10. *Limitation of discount to credit card transactions.* A discount described by this paragraph is not a finance charge in a transaction involving a credit card, but the provision is inapplicable to any other type of credit transaction. For example, if a cash discount is unavailable to consumers using credit that does not involve the use of a credit card, the discount is a finance charge as to those transactions.

11. *Relation of state laws to cash discounts.* A discount that is offered in accordance with § 167(b) of the act is not a finance charge or other charge for credit under any state usury or disclosure law relating to credit transactions. (See § 171(c) of the act.)

12. *Cash discount as finance charge.* Any discount that fails to meet any requirement set forth in § 167(b) is a

finance charge. For example, if the discount is 7% of the regular price, the entire amount is a finance charge. If the seller offering the discount is a person other than the card issuer, it need only comply with § 226.9(d), "Finance charge imposed at time of transaction." If the seller is also the card issuer, it must comply with all relevant requirements of the regulation.

Alternative II for Cash Discounts²

7. *Cash discounts—coverage.* The discounts that may be excluded from the finance charge under paragraph (c)(8) are discounts offered to induce consumers to pay for property or services by cash, check, or other means not involving the use of either an open-end credit plan or a credit card (whether open-end or closed-end credit is extended on the card). The discount may be in whatever amount the seller desires, either as a percentage of the regular price of the item or a dollar amount.

8. *Definition of regular price.* For purposes of determining whether the price differential made by a seller is a discount or a surcharge (which is prohibited by § 167(a)(2) of the act), the regular price is defined in § 103(z) of the act as follows:

[T]he term "regular price" means the tag or posted price charged for the property or service if a single price is tagged or posted, or the price charged for the property or service when payment is made by use of an open-end credit plan or a credit card is either (1) no price is tagged or posted, or (2) two prices are tagged or posted, one of which is charged when payment is made by use of an open-end credit plan or a credit card and the other when payment is made by use of cash, check, or similar means. For purposes of this definition, payment by check, draft, or other negotiable instrument which may result in the debiting of an open-end credit plan or a credit cardholder's open-end account shall not be considered payment made by use of the plan or the account.

9. *Limitation of discount to certain transactions.* A discount described by this paragraph is not a finance charge in a transaction involving an open-end credit plan or a credit card, but the provision does not apply to any other type of credit transaction. For example, if a cash discount is unavailable to consumers paying by use of a closed-end credit plan not involving a credit card, the discount is a finance charge as to those transactions.

¹ The provisions on cash discounts are presented in the alternative because of the possibility of statutory change. Alternative I reflects § 167(b) of the act as it was in effect on May 15, 1981. Alternative II reflects § 167(b) as it would be amended by H.R. 3132, the "Cash Discount Act."

² The provisions on cash discounts are presented in the alternative because of the possibility of statutory change. Alternative I reflects § 167(b) of the act as it was in effect on May 15, 1981. Alternative II reflects § 167(b) as it would be amended by H.R. 3132, the "Cash Discount Act."

10. *Relation of state laws to cash discounts.* A discount that is offered in accordance with § 167(b) of the act is not a finance charge or other charge for credit under any state usury or disclosure law relating to credit transaction. (See § 171(c) of the act.)

11. *Cash discount as finance charge.* Any discount failing to meet any requirement set forth in § 167(b) is a finance charge. If the seller is a person other than the card issuer, it need only comply with § 226.9(d), "Finance charge imposed at time of transaction." If the seller is also the card issuer, it must comply with all relevant requirements of the regulation.

4(d) Insurance.

1. Form and location of disclosures.

All disclosures required by this paragraph must be made in writing. The rules on location of insurance disclosures for closed-end transactions are in § 226.17.

2. Required credit life insurance.

Paragraph (d)(1) permits only voluntary credit life, accident, health, or loss-of-income insurance to be excluded from the finance charge. Whether the insurance is in fact required or optional is a factual question. If the insurance is required, the premiums must be included in the finance charge. Credit life insurance is considered to be required even if the creditor also gives the consumer the option of assigning an existing life insurance policy; if the consumer purchases the credit life insurance from the creditor, the premium must be treated as a finance charge. (See paragraph 5 to § 226.4(b), above.)

3. *Other types of voluntary insurance.* Insurance is not credit life, accident, health, or loss-of-income insurance if the creditor or the credit account of the consumer is not the beneficiary of the insurance coverage. If such insurance is not required by the creditor as an incident to or a condition of credit, it is not covered by the finance charge provisions of § 226.4.

4. *Unit-cost disclosures.* One of the transactions of which unit-cost disclosures (such as 50 cents per month on each \$100 of the outstanding indebtedness) may be used in place of the total insurance premium involves a particular kind of insurance plan. For example, a consumer with a current indebtedness of \$8,000 is covered by a plan of credit life insurance coverage with a maximum of \$10,000. The consumer requests an additional \$4,000 loan to be covered by the same insurance plan. Since the \$4,000 loan exceeds, in part, the maximum amount of indebtedness that can be covered by the plan, the creditor may properly give

the insurance cost disclosures on the \$4,000 loan on a unit-cost basis.

5. *Property insurance.* To exclude property insurance premiums from the finance charge the creditor must allow the consumer to choose the insurer, and disclose that fact. The premium must be disclosed only if the consumer elects to purchase the insurance from the creditor. In such a case, the creditor must also disclose the term of the property insurance coverage if it is less than the term of the obligation.

6. *Single interest insurance.* Blanket and specific single interest coverage are treated the same for purposes of this regulation. A charge for either type of single interest insurance may be excluded from the finance charge if:

- The insurer waives any right of subrogation.
- The other requirements of paragraph (d)(2) are met. This includes, of course, giving the consumer the option of obtaining the insurance from a person of the consumer's choice. The requirement that an option be given does not require that the required insurance be readily available from other sources. Whether a consumer is able to purchase required property insurance from someone other than the creditor is a factual question the creditor need not answer in the affirmative in order to take advantage of these special rules.

7. *Single interest insurance defined.* "Single interest insurance," as used in the regulation, refers only to the types of coverage traditionally included in the term "vendor's single interest insurance," that is, protection of tangible property against normal property damage, concealment, confiscation, conversion, embezzlement, and skip. Some comprehensive insurance policies may include a variety of additional coverages, such as repossession insurance, holder in due course insurance, and instrument non-filing insurance. These types of coverage do not constitute single interest insurance for purposes of the regulation, and premiums for them do not qualify for exclusion from the finance charge under paragraph (d).

4(e) Certain security interest charges.

1. *Examples.* The charges excludable from the finance charge under paragraph (e)(1) include:

- Charges for filing or recording security agreements, mortgages, continuation statements, termination statements, and similar documents.
- Tax stamps.
- Notary fees.

Only sums actually paid to public officials are excludable under this provision.

2. *Itemization.* The various charges described in paragraph (e)(1) may be totalled and disclosed as an aggregate sum, or they may be itemized according to the specific fees and taxes imposed.

3. *Notary fees.* In order for a notary fee to be excluded, all of the following conditions must be met:

- The document to be notarized is one used to perfect, release, or continue a security interest.
- The document is required by law to be notarized.
- A notary is considered a public official under applicable law.
- The amount of the fee is set or authorized by law.

4. *Non-filing insurance.* If the creditor collects and simply retains a fee as a sort of "self-insurance" against non-filing it may not be excluded from the finance charge under paragraph (e)(2); the exception applies only where the non-filing insurance is purchased. If the non-filing insurance premium exceeds the amount of the fees excludable from the finance charge by paragraph (e)(1), only the excess is a finance charge.

4(f) Prohibited offsets.

1. *Earnings on deposits or investments.* The rule that the creditor must disregard any earnings by the consumer on deposits or investments applies whether or not the creditor has a security interest in the property.

References

Statute: § 106, 167(b), 171(c).

Previous regulation: § 226.4.

1981 Changes: While generally continuing the rules under the prior regulation, this section reflects amendments to § 106 of the act and makes certain other changes in the rules for determining the finance charge. For example, subparagraph (a) includes the express limitation from the amended act that finance charges do not include charges payable in comparable cash transactions. With respect to various exclusions from the finance charge: application fees imposed on all applicants are no longer finance charges; continuing to extend credit to a consumer is no longer a controlling test for determining whether a late payment charge is bona fide; seller's points are not to be included in the finance charge; and the special exclusions for real estate transactions apply to all "residential mortgage transactions."

Simplified rules for excluding insurance from the finance charge allow unit-cost disclosure in certain closed-

end credit transactions; permit initials as well as signatures on the authorization; permit any consumer to authorize insurance for other consumers; and delete the requirement that the authorization be dated.

Subpart B—Open-End Credit

General

This section deals with open-end credit accounts—such as revolving credit, credit card accounts, overdraft and cash advance loans—and the disclosures required for these types of credit. (The term "open-end credit" is defined in § 226.2.) This section also outlines

- Special rules for credit card accounts.
- The procedures to be followed if errors occur in open-end credit accounts.
- The rules for determining annual percentage rates for open-end accounts.
- Rescission requirements as they apply to open-end credit.
- The rules for open-end credit advertising.

Section 226.5—General disclosure requirements.

5(a) Form of disclosures.

1. *Clear and conspicuous.* Under the "clear and conspicuous" standard in paragraph (a)(1), which requires that disclosures be in a reasonably understandable and usable form, creditors

- Need not segregate disclosures from other material (as is the case for closed-end disclosures under § 226.17).
- May pluralize the required terminology (finance charge and annual percentage rate) where appropriate.
- May add to the required disclosures such items as contractual provisions, explanations of contract terms, state law disclosures that are not inconsistent under § 226.28, translations, and promotional material, so long as the required disclosures remain clear and conspicuous.
- Need not present numerical amounts or percentages in figures or in any particular type size.

2. *Integrated document.* Creditors may make both the initial disclosures (§ 226.6) and the periodic statement disclosures (§ 226.7) on more than one page, and use both the front and the reverse sides, so long as the disclosures are made together and the pages constitute an integrated document. This would include, for example:

- Multiple pages that cover related material and are stapled together or otherwise attached.
- A brochure that contains information about a range of services the creditor offers, such as credit, checking account, and electronic fund transfer features.

An integrated document would not include pages that are not attached, pages provided to the consumer at different times, or pages interspersed with unrelated notices, flyers, or promotional material.

3. *When disclosures must be more conspicuous.* The following rules apply to the "more conspicuous" requirement in paragraph (a)(2) about the "finance charge" and "annual percentage rate":

- "Finance charge" and "annual percentage rate" must be disclosed more conspicuously when required to be used with a number. For example, on the initial disclosure statement the corresponding annual percentage rate disclosure under § 226.6(a)(2) must conform to the "more conspicuous" rule.
- Neither term need be emphasized when used as part of general informational material or in textual descriptions of other terms, although emphasis is permissible in such cases. For example, when the terms appear as part of the explanations required under § 226.6(a)(3) and (4), they do not have to be more conspicuous.
- The periodic statement disclosure on the corresponding annual percentage rate under § 226.7(d) need not be "more conspicuous" so that the actual APR disclosed under § 226.7(g) will be more conspicuous when they differ.

4. *Making disclosures more conspicuous.* The requirement in paragraph (a)(2) that "finance charge" and "annual percentage rate" be stated more conspicuously may be satisfied by:

- Capitalizing the words when other disclosures are printed in lower case.
- Putting them in bold print or a contrasting color.
- Underlining them.
- Setting them off with asterisks.

Only the words "finance charge" and "annual percentage rate" should be accentuated. For example, if the term "total finance charge" is used, only "finance charge" should be emphasized.

5(b) Timing of disclosures.

1. *Before the first transaction.* The rule in paragraph (b)(1) that the initial disclosure statement must be furnished "before the first transaction" requires delivery of initial disclosures before the consumer makes the first purchase, receives the first advance, or pays a fee under the plan. Initial disclosures are

timely even if an advance or membership fee has already been posted to the consumer's account so long as the consumer may, after receiving the disclosures, reject the account and have no further obligation beyond returning money or goods provided by the creditor. An application fee under § 226.4(c)(1) does not trigger disclosures.

2. *Converting closed-end credit to open-end credit.* If an existing closed-end account is converted to open-end under a written agreement with the consumer, the initial disclosure under § 226.6 must be given before the first transaction under the open-end account. "Transaction" in this context may be a purchase or payment by the consumer or a cash advance to the consumer.

3. *Converting open-end to closed-end credit.* If open-end credit is converted to closed-end credit under a written agreement with the consumer (for example, if the creditor discontinues its open-end plan, or arranges for refinancing or a work-out agreement with a defaulting consumer), the creditor must provide closed-end disclosures on the amount financed, itemization of the amount financed, and finance charge (§ 226.18(b), (c), and (d)). These disclosures must be made before consummation of the closed-end agreement.

4. *Termination of open-end credit privileges.* When an open-end plan is terminated without being converted to closed-end under a written agreement, the creditor must continue to provide periodic statements to those consumers entitled to receive them (for example, while consumers are paying off outstanding balances) and must continue to follow the error resolution procedures of § 226.13.

5. *Reopening terminated account.* If an account has been closed (for example, due to inactivity, cancellation, or expiration) and then is reopened, new initial disclosures are required.

6. *Reactivation of suspended account.* If an account is temporarily suspended (for example, because the consumer has exceeded a credit limit, or because a credit card is reported lost or stolen) and then is reactivated, no new initial disclosures are necessary.

7. *Periodic statements not required.* Periodic statements need not be sent in the following cases:

- If the creditor unilaterally adjusts a debit balance to zero or automatically refunds a credit balance.
- If a statement was sent and returned as undeliverable. If the consumer later provides a new address, the creditor must resume sending statements.

When a new address is provided, the obligation to send a statement arises if the new address is provided within a reasonable time before sending the statement. Receiving the address at least 20 days before the end of a cycle would be a reasonable amount of time to prepare the statement for that cycle. (See § 226.13(a)(7).)

8. *14-day rule.* The 14-day rule in paragraph (b)(2)(ii) does not apply if charges (for example, transaction or activity charges) are imposed regardless of the timing of a periodic statement. The 14-day rule does apply:

- If current debits retroactively become subject to finance charges if the balance is not paid in full by a specified date.
- If charges other than finance charges will accrue if the consumer does not make timely payments. Such charges include:
 - Late payment charges.
 - Charges for exceeding a credit balance.
 - Fees for vendor's single interest insurance.

9. *14-day rule—exceptions.* Footnote 4 does not excuse a creditor from the 14-day obligation if the failure to provide a periodic statement results from computer malfunction.

5(c) *Basis of disclosures and use of estimates.*

1. *Legal obligation.* The legal obligation is usually that embodied in the written agreement of the parties. For example:

- If the contract provides for payment of a certain amount by the last day of each month, but payments are actually made biweekly under a voluntary payroll deduction plan, the monthly payment term is undoubtedly the legally enforceable contract term, and therefore represents the appropriate basis for disclosures.
- If a creditor-employer offers a preferential employee rate, the correct periodic rate/annual percentage rate disclosure depends on what is legally enforceable. If the higher rate is the binding contract term, however, the creditor may additionally indicate any concession made in that term.

2. *Estimates.* The "reasonably available" standard requires that the creditor, acting in good faith, exercise due diligence in obtaining information. In using estimates, the creditor is not required to disclose the basis for the estimated figures, but may include such explanations as additional information. If the creditor makes estimated disclosures, redisclosure is not required even though more accurate information becomes available before the first

transaction. For example, in an open-end plan to be secured by real estate, the creditor may estimate the appraisal fees to be charged; such an estimate might reasonably be based on the prevailing market rates for similar appraisals. No new disclosure is necessary even if the exact appraisal fee is determinable before the consumer receives the first advance under the plan.

5(d) *Multiple creditors; multiple consumers.*

1. *Providing disclosures.* Under this provision:

- Creditors must choose which of them will make the disclosures.
- Each creditor in the plan is legally responsible for seeing that the disclosures are provided, and any one of them may be subject to liability for violations.
- A single, complete set of disclosures must be provided, rather than partial disclosures from several creditors.

2. *Who must receive disclosures.*

While the disclosures may be made to either obligor on a joint account, the disclosure responsibilities are not satisfied by disclosures given only to an authorized user or to a surety or guarantor for a principal obligor.

5(e) *Effect of subsequent events.*

1. *Events causing inaccuracies.*

Inaccuracies in open-end disclosures are not violations if attributable to events occurring after disclosure, such as:

- The consumer's failure to perform his or her obligation to keep collateral insured, where the creditor then provides the coverage and charges the consumer for it.
- An alteration in certain terms, such as the rates or classifications for credit insurance or the availability of a free-ride period.

Although such changes do not make the original disclosure improper, the creditor may be required by § 226.9(c) to provide a new disclosure for the change term.

2. *Use of inserts.* In the case of a term change, creditors may use inserts with outdated disclosure forms. Any insert:

- Should clearly refer to the disclosure provision it replaces.
- Need not be physically attached or affixed to the basic disclosure statement.
- May be used only until the supply of outdated forms is exhausted.

References

Statute: §§ 121 (a), (b), and (c); 122 (a) and (b); 124, 127 (a) and (b); 163(a).

Previous regulation: §§ 226.6 (a), (c), (d), (e), (f), (g), and 226.7 (a), (b), (c).

Other sections: §§ 226.4, 226.6, 226.7, 226.8, 226.9, and 226.14.

1981 changes: This section reflects several amendments to the act and incorporates a number of changes made to simplify the regulation. Type size requirements and all required terminology except "finance charge" and "annual percentage rate" are deleted. Disclosures may be made on more than one page of an integrated statement. The timing rule for initial disclosures has been revised to make clear that they must precede any transaction under the plan, including payments by the consumer. The rule for credit plans involving multiple creditors or multiple consumers has been simplified in accordance with the revised statute: only one creditor need make the disclosures, and to only one primarily liable consumer. Section 226.5(c) reflects new rules for the basis of disclosures and use of estimates.

Section 226.6—Initial disclosure statement.

6(a) *Finance charge.*

1. *General.* The finance charge disclosure must include the information set out in paragraphs (a)(1) through (a)(4). The material required by these paragraphs is closely related and provides one complete finance charge disclosure. For example, a statement that "the finance charge begins on the date of each advance" adequately discloses that there is no free-ride period. In the same fashion, a statement that "finance charges will be imposed on any new purchases only if they are not paid in full within 25 days after the close of the billing cycle" necessarily discloses that there is a free period in the interim.

Paragraph 6(a)(1).

1. *When finance charges accrue.*

Creditors may provide a general explanation about finance charges beginning to run and need not disclose a specific date. For example, a creditor may disclose that a consumer has 30 days from the closing date to pay the new balance before finance charges will accrue on any new purchases made on the account.

2. *Free periods.* In disclosing whether or not a free-ride period exists, a creditor need not use "free period," "free-ride period," or any other particular descriptive phrase or term.

Paragraph 6(a)(2).

1. *Variable rate programs.* In addition to disclosing the rates in effect at the time of disclosure, Footnote 12 requires disclosure of the circumstances under which a periodic rate would increase in a variable rate program. This refers to any specific contractual conditions, such as the expiration of certain time periods

or changes in a particular index. Any limitations on rate increases, such as the maximum increase per year or the maximum increase over the duration of the plan, must also be disclosed (but a creditor need not disclose general rate limitations imposed by law, such as state usury ceilings). As to the effect of an increase, the creditor would disclose, for example, that the rate increase would result in higher monthly payments.

Paragraph 6(a)(3).

1. *Explanation of balance computation method.* Under paragraph (a)(3), a shorthand phrase such as "previous balance method" does not suffice. (See Appendix G-1 for model clauses.)

2. *Allocation of payments.* Disclosure about the allocation of payments is not required. For example, a creditor need not disclose that payments are applied first to finance charges, then to purchases, and then to cash advances, or that payments are applied to late charges, overdue balances, and finance charges before being applied to the principal balance.

Paragraph 6(a)(4).

1. *Finance Charges.* Disclosure is required of any other type of finance charge (other than a periodic rate) that may be imposed, such as minimum, fixed, transaction, and activity charges; required insurance; appraisal, investigation, or credit report fees; or any other charge described in the finance charge section (§ 226.4).

6(b) Other charges.

1. *General.* This paragraph requires significant charges (that are not finance charges) to be disclosed.

2. *Other charges.* The following are examples of other charges:

- Late payment and over-the-credit-limit charges.
- Fees for providing documentary evidence of transactions requested under § 226.13 (billing error procedures).
- Charges imposed in connection with real estate transactions (§ 226.4(c)).
- Taxes and filing or notary fees excluded from the finance charge under § 226.4(e).
- Taxes not imposed but for the credit plan, even if the taxes are imposed by governmental action.
- Fees for membership or participation in a package of services that includes an open-end credit feature, unless the fee is required whether or not the open-end credit feature is included. For example, a membership fee to join a credit union would not be an "other charge," even if membership was a criterion for eligibility in applying for credit.

3. *Exclusions.* The Following are not "other charges":

- Fees charged for documentary evidence of transactions for income tax purposes.
 - Amounts payable by a consumer for collection activity after default; attorney's fees, whether or not automatically imposed; foreclosure costs, statutory interest rates, and reinstatement or reissuance fees.
 - Premiums for voluntary credit life or disability insurance, or for property insurance that are not part of the finance charge.
 - Application fees under § 226.4(c)(1).
- 6(c) Security interest.*

1. *General.* Disclosure is not required about the type of security interest or about the creditor's rights with respect to that collateral. In other words, the creditor need not expand on the term "security interest." Also, since no specified terminology is required, the creditor may designate its interest by using, for example, "pledge," "lien," or "mortgage."

2. *Identification of property.* Identification of the collateral by type is satisfied by stating, for example, "motor vehicle" or "household appliances."

3. *Spreader clause.* The fact that collateral for pre-existing loans with the institution is being used to secure the present obligation constitutes a security interest and must be disclosed. A specific identification of that collateral is unnecessary but a reminder of the interest arising from the prior indebtedness is required. The disclosure may be accomplished by language such as "collateral securing other loans with us may also secure this loan." At the creditor's option, a more specific description of the property involved may be given.

4. *Additional collateral.* If collateral is required when advances reach a certain amount, the creditor should disclose the information available at the time of the initial disclosures. For example, the creditor would disclose that a security interest would be taken in household goods if the consumer's balance exceeded \$1,000. If the creditor requires additional security not covered by the initial disclosures, a change-in-terms notice under § 226.9(c) is necessary.

6(d) Statement of billing rights.

See commentary to Appendix G-3.

References

Statute: § 127(a).

Previous regulation: § 226.7(a).

Other sections: §§ 226.2, 226.5, 226.7, 226.9, 226.13, 226.14, 226.16, and Appendix G.

1981 changes: The rules for initial open-end disclosures are changed in several ways from the prior regulation. Whereas the previous regulation required a disclosure only if a free-ride period exists, the new regulation reflects the amended statute by requiring a positive statement that there is no free period if that is the case. Disclosures of the Comparative Index of Credit Cost and of the minimum periodic payment are eliminated. Security interest disclosures are reduced simply to an indication that there is a security interest and the property it covers. "Other charges" no longer include voluntary credit life or disability insurance or required property insurance premiums. Disclosure requirements for variable rate programs are now incorporated in the regulation, replacing Board Interpretation § 226.707 which provided optional disclosures. Board Interpretation § 226.706, on the allocation of payments, is incorporated in the commentary. The regulation no longer specifies the exact language to be used for the billing rights notice, although a model notice is provided in the regulatory appendix.

Section 226.7—Periodic statements.

General.

1. *Abbreviations or symbols.* A creditor may use abbreviations or symbols for any required disclosures on the periodic statement, as long as they are readily understandable, or coded, or otherwise explained on the periodic statement.

2. *Multifaceted accounts.* For a plan that involves several different types of credit transactions (such as purchases, loans, cash advances, or overdraft checking), required disclosures are as follows:

- The previous balance (§ 226.7(a)) may be disclosed either as an aggregate balance for the account or as separate balances for each type of transaction. If separate balances are disclosed, a total previous balance is optional.
- Identification of transactions (§ 226.7(b)) may be made by categorizing transactions, such as by grouping together sale transactions separately from cash advances.
- A balance on which the finance charge was computed from a periodic rate (§ 226.7(e)) must be disclosed for each type of transaction to which different periodic rates or different balance computation methods are applied. A total balance for the entire account is optional.
- The total amount of the finance charge attributable to the application of periodic rates (§ 226.7(f)) must be

disclosed; an additional separate disclosure for each type of transaction is optional.

- The historical annual percentage rate (§ 226.7(g)) may be separately stated for each type of transaction. If separate rates are given, a composite annual percentage rate for the entire plan is optional.
- A new balance (§ 226.7(i)) may be disclosed for each type of transaction shown on the account. If separate new balances are disclosed, a total new balance is optional.

3. *Accrued finance charges allocated from payments.* If instead of debiting or adding finance charges to an account during a billing cycle, the amount of the finance charge that has accrued since the last payment is allocated from each new payment:

- The previous balance (paragraph (a)) need not reflect finance charges accrued since the last payment.
- No disclosure is required of finance charges (paragraph (f)) that have accrued since the last payment.
- The new balance (paragraph (i)) need not reflect finance charges accrued since the last payment.

7(a) Previous balance.

1. *Credit balances.* If the previous balance is a credit balance, it must be disclosed in such a way so as to inform the consumer that it is a credit balance, rather than a debit balance.

7(c) Payments and credits.

1. *Identification.* The periodic statement must disclose each credit to the account during the cycle, and the disclosure must include both the amount and crediting date and whatever additional information is needed to identify the entry.

2. *Identification.* Generally speaking, the creditor need not describe each credit by type (returned merchandise, rebate of finance charge, etc.). But if a creditor uses the periodic statement to notify the consumer of a billing error correction under § 226.13(e)(2), the credit must be specifically identified as a response to the billing error.

3. *Format.* A creditor may list together (for example, in the same column) credits (payments, rebates, etc.) for the credit portion of an account (overdraft protection) with other types of credits (deposits to the checking account) as long as the entries are identified so as to inform the consumer which type of credit each entry represents.

4. *Date.* The crediting date need not be described as "crediting date," except that if two or more dates are disclosed for a single entry (for example, the posting date and the crediting date) the crediting date must be identified.

7(d) Periodic rates.

1. *Rates required to be disclosed.* Any periodic rate that may be used to compute finance charges and its corresponding annual percentage rate must be disclosed whether or not it is applied during the billing cycle.

2. *Rates required to be disclosed.* The disclosures regarding the rate and type of transaction relate only to rates that could have been imposed during the billing cycle. For example:

- If a creditor is changing rates effective on the next billing cycle, the rates required to be disclosed under paragraph (d) are only those in effect during the billing cycle reflected on the statement.
- If the consumer has an overdraft line that might later be expanded upon the consumer's request to include secured advances, the disclosures required by this section for the secured advance feature need not be given until such time as the consumer has requested and received access to the additional feature under the plan.

3. Multiple rates—same transactions.

If two periodic rates are applied to the same balance for the same type of transaction (for example, if the finance charge consists of a monthly periodic rate of 1.5% and a required credit life insurance component calculated at .1% per month on the outstanding balance) the creditor may either

- Disclose each periodic rate, the range of balances to which it is applicable, and the corresponding annual percentage rate for each periodic rate, or
- Disclose one composite periodic rate (that is, 1.6% per month) along with the applicable range of balances and corresponding annual percentage rate.

4. *Corresponding APR.* In disclosing the annual percentage rate that corresponds to each periodic rate, the creditor may use "corresponding annual percentage rate," "nominal annual percentage rate," "corresponding nominal annual percentage rate," or similar phrases.

5. *Rate same as historical APR.* When the corresponding rate is the same as the historical APR required to be disclosed (§ 226.7(g)), the creditor need disclose only one annual percentage rate, but must use the phrase "annual percentage rate."

6. *Ranges of balances.* Disclosure of the range of balances to which each periodic rate applies is not required in the case of a single rate account—for example, if 1% per month is applied to all outstanding balances.

7(e) *Balance on which finance charge computed.*

1. *Limitation to periodic rates.* This requirement is limited to balances on which a periodic rate was applied, and does not apply to balances on which other kinds of finance charges (such as transaction charges) were imposed. For example, if a consumer obtains a \$1500 cash advance subject to both a 1% transaction fee and a 1% monthly periodic rate, the creditor need only disclose the balance subject to the monthly rate (which might include portions of earlier cash advances not paid off in previous cycles).

2. *Split rates.* For each type of credit transaction (such as purchases), only one balance amount need be disclosed if split rates were applied to different portions of the balance. For example, a creditor could disclose a balance of \$700 even though a periodic rate of 1½% applied to the first \$500, and a periodic rate of 1% to the remainder.

3. *Monthly rate on average daily balance.* If a creditor computes a finance charge on the average daily balance by application of a monthly periodic rate or rates, the balance is adequately disclosed if the statement gives the amount of the average daily balance on which the finance charge was computed, and also states how the balance is determined.

4. *Daily periodic rate.* If the finance charge is computed on the balance each day by application of one or more daily periodic rates, the balance on which the finance charge was computed may be disclosed in any of the following ways:

- If a single daily periodic rate is imposed, the balance to which it is applicable may be stated as:
 - A balance for each day in the billing cycle.
 - A balance for each day in the billing cycle on which the balance in the account changes.
 - The sum of the daily balances during the billing cycle.
 - The average daily balance during the billing cycle, in which case the creditor shall explain that the average daily balance is or can be multiplied by the number of days in the billing cycle and the periodic rate applied to the product to determine the amount of the finance charge.
- If two or more daily periodic rates may be imposed, the balances to which the rates are applicable may be stated as:
 - A balance for each day in the billing cycle.
 - A balance for each day in the billing cycle on which the balance in the account changes.
 - As two or more average daily

balance, each applicable to the daily periodic rates imposed, as long as the creditor explains that the finance charge is or may be determined by (1) multiplying each of the average balances by the number of days in the billing cycle, (2) multiplying each of the results by the applicable daily periodic rate, and (3) adding these products together. For example, if the creditor imposes one daily periodic rate on balances over \$500 and another daily periodic rate on balances over \$500, the creditor would show average daily balances of \$500 and \$200 in an account which had a \$700 balance of the entire billing cycle.

5. Explanation of balance computation method. This disclosure does not require that the consumer be given information sufficient to compute the balance. For example, if the balance computation method includes current purchases from the date they are posted to the account the posting date need not be disclosed. (Also see commentary to § 226.6(a)(3).)

6. Non-deduction of credits. In explaining the balance method, the creditor need not specifically include the dollar amount of credits not deducted in computing the finance charge balance. Listing the credits (§ 226.7(c)), together with an explanation of which credits will not be deducted in determining the balance, is sufficient.

7(f) Amount of finance charge.

1. Itemization. The itemization of the finance charge must include the total amount due to the application of periodic rates. If finance charges are imposed that are not due to the application of periodic rates, a total finance charge for the account is optional.

2. Itemization—different rates. Whether different rates are applicable to different types of transactions or to different balance ranges, the creditor need not itemize the finance charge attributable to each rate. For example, if a creditor charges 1½% per month on the first \$500 of a balance and 1% per month on amounts over \$500, it is not necessary to itemize the two components (\$7.50 and \$1.00) of the \$8.50 charge.

3. Finance charges not added to account. A finance charge that is imposed but not included in the new balance because it is payable to a third party (such as required life insurance) must be shown on the statement as a finance charge.

4. Finance charges other than periodic rates. See the commentary to § 226.6(a)(4) for examples.

7(g) Annual percentage rate.

1. Rate same as corresponding APR. See commentary to § 226.7(d).

7(h) Other charges.

1. Identification. In identifying any non-finance charges actually imposed during the billing cycle, the type is adequately described as "late charge" or "membership fee," for example. (See commentary to § 226.6(b) for examples of other charges.)

2. Date. The date of imposing or debiting these charges need not be disclosed.

3. Format. Other charges may be listed with the transaction disclosures required by § 226.8.

4. Total. Disclosure of the total of other charges is optional.

7(i) Closing date of billing cycle; new balance.

1. Credit balances. See commentary to § 226.7(a).

7(j) Free-ride period.

1. Wording. Although the creditor is required to indicate any period the consumer may have without incurring additional finance charges, no specific wording is required. For example, "To avoid additional finance charges, pay the new balance before ———" would suffice.

7(k) Address for notice billing errors.

1. Wording. The periodic statement must contain the address for consumers to use in asserting billing errors under § 226.13. Since all disclosures must be "clear," the statement should indicate the general purpose for the address, although no elaborate explanation or particular wording is required.

2. Telephone number. A telephone number may be included, but the address for billing error inquiries, which is the required disclosure, must be clear and conspicuous. One way to assure that the address is still clear and conspicuous is to include a precautionary instruction that telephoning will not preserve the consumer's billing error rights.

References

Statute: § 127(b).

Previous regulation: § 226.7(b)(1).

Other sections: §§ 226.2, 226.4, 226.5, 226.8, 226.13, 226.14, and Appendix G.

1981 changes: This section generally corresponds to the old regulation, but with deletion of disclosures of the Comparative Index of Credit Cost and of minimum charges that may be applicable to the account. As provided in § 226.5, no specified terminology is required except for the terms "finance

charge" and "annual percentage rate." The requirement in § 226.7(c) of the previous regulation, as to location of disclosures, is deleted.

There are several changes or clarifications of rules for particular disclosures. Disclosure of creditors to the account no longer have to indicate the type of credit. A short disclosure for variable rate plans must be included on the periodic statement. Disclosures relating to multifeatured accounts have been clarified.

For creditors that deduct accrued finance charges from payments but do not add or debit them to the account balance, the commentary makes clear that neither the previous balance, the balance to which periodic rates are applied, or the new balance need reflect finance charges that accrue from the last payment to the closing date of the cycle.

The regulation now specifically requires on the periodic statement disclosure of "other charges" (non-finance charges related to the plan) that are actually imposed during the billing cycle.

Board Interpretations §§ 226.701, 226.703, and 226.706 have been incorporated, as well as prior staff interpretations on the need to disclose the rates actually applicable during the cycle.

Section 226.8—Identification of transaction.

General.

1. Which rules apply. This section deals with the requirement (imposed by § 226.7(b)) for identification of each credit transaction made during the billing cycle. The rules for identifying transactions on periodic statements vary, depending on whether:

- The transaction involves sale credit (purchases) or non-sale credit (cash advances).
- A copy of the credit document reflecting the transaction accompanies the statement (this is the distinction between so-called "country club" and "descriptive" billing).
- The creditor and seller are the same or related persons.

2. Sale credit: Sale credit refers to a purchase in which the consumer uses a credit card or otherwise directly accesses an open-end line of credit to obtain goods or services from a merchant, whether or not the merchant is the card-issuer. Examples:

- Premiums for credit insurance whether sold by the card issuer or another person.
- The purchase of funds-transfer services from an intermediary.

3. "Non-sale credit." Non-sale credit refers to any form of loan credit. Examples:

- Overdraft checking.
- The use of a "supplemental credit device" in the form of a check or draft.
- Miscellaneous debits to account for mispostings, returned checks, and similar entries.

4. *Debit card with overdraft feature.* When a consumer uses a debit card with an overdraft feature to purchase goods or services, and in doing so activates the overdraft, the credit portion of such a transaction may be viewed as a cash advance and may be disclosed as non-sale credit, even though a purchase is involved.

5. *Actual copy.* An "actual copy" does not include a so-called "facsimile draft" in which the required information is typed in, as opposed to a duplicate, carbon, or photocopy. If a facsimile draft is used, the creditor must comply with the rules applicable when a copy of the credit document is not furnished.

6. "Same or related persons." This term refers to:

- Franchised or licensed sellers of a creditor's product or service.
- Sellers who assign or sell open-end customer sales accounts to a creditor or arrange for such credit under a plan that allows the customer to use the credit only in transactions with that seller.

A person is not related to the creditor merely because:

- The person and the creditor have an agreement by which the person is authorized to honor the creditor's credit card under the terms specified in the agreement.
- The person and the creditor have a corporate connection, such as subsidiary-parent, if that connection is not obvious from the names they use. For example, where XYZ card-issuer owns the ABC hotel, the card issuer and the hotel are not "related."

7. *Transactions resulting from promotional material.* Creditors may use either the "related" or "non-related" rules in describing transactions with third-party sellers resulting from promotional material mailed by the creditor.

8(a) Sale credit.

1. *Date—disclosure of only one date.* If only one date is disclosed for a transaction, the creditor need not identify it as the "transaction date." If the creditor discloses more than one date, the creditor must identify each.

2. *Date—disclosure of month and day only.* The month and day is sufficient disclosure of the date on which the

transaction took place, unless the posting of the transaction is so long delayed that the year is needed for a clear disclosure to the consumer.

3. *When transaction "takes place."* If the transaction is conducted by the consumer in person or on the phone, the transaction "takes place" on the calendar date the consumer made the purchase or order, or secured the advance. For transactions billed to the account on an ongoing basis (other than installments to pay a precomputed amount), the transaction takes place on the date the amount is debited to the account. This might include, for example, monthly insurance premiums and auto club dues. For mail orders, a creditor may disclose either the invoice date or the debiting date as the transaction date.

4. *Transactions not billed in full.* If sale transactions are not billed in full on any single statement, but are billed periodically in precomputed installments, the first periodic statement reflecting the transaction may show the full amount of the transaction together with the date the transaction actually took place; or the amount of the first installment that was debited to the account. In either event, subsequent periodic statements should reflect each installment due, together with any other identifying information required by this section (such as the seller's name and address in a three-party situation); the debiting date may be used as the date of the transaction.

8(a)(1) Copy of credit document provided.

1. *Format.* The information required by this section may appear either on the sale documents, or on the periodic statement.

8(a)(2) Copy of credit document not provided—creditor and seller same or related persons.

1. *Property identification.* The "brief identification" requirement contemplates some designation that will enable the consumer to reconcile the periodic statement with the consumer's own records.

- It requires reasonable precision but not item-by-item descriptions. For example, "merchandise," "miscellaneous," "second-hand goods," or "promotional items" would not suffice.
- A reference to a department in a sales establishment that accurately conveys the identification of the types of property or services available in the department is sufficient—for example, "jewelry," "sporting goods."
- Identification of the transaction may be by a number or symbol that is

related to an identification list printed on the statement.

2. *Small creditors.* Under Footnote 18, a further identification alternative is available to a creditor with fewer than 15,000 accounts. The creditor need count only its own accounts, and not those serviced by the same data processor or other shared service provider.

8(a)(3) Copy of credit document not provided—creditor and seller not same or related persons.

1. *Seller's name.* The requirement contemplates that the seller's name will appear on the periodic statement in essentially the same form as it appears on transaction documents provided to the consumer at the time of the sale. The name may also be disclosed as:

- A more complete spelling of a name that was alphabetically abbreviated on the credit document.
- An alphabetical abbreviation of the seller's name on the periodic statement even if the name appears in a more complete spelling on the sales receipt. Terms that merely indicate the form of a business entity, such as "Inc.," "Co.," or "Ltd.," may always be omitted.

2. *Location of transaction.* The disclosure of the location where the transaction took place generally requires an indication of both the city, and the state of foreign country. If a creditor has multiple stores or branches within that city, the creditor need not identify the specific branch at which the sale occurred.

3. *No fixed location.* When no meaningful address is available because the consumer did not make the purchase at any fixed location of the seller, the creditor:

- May omit the address.
- May provide some other identifying designation, such as "aboard plane," "ABC Airways Flight 17," "customer's home," "telephone order," "mail order."

8(b) Nonsale credit.

1. *Date of transaction.* If only one date is disclosed for a transaction, the creditor need not identify it. If the creditor discloses more than one date (for example, transaction date and debiting date) the creditor must identify each.

2. *Amount of transaction.* If credit is extended under an overdraft checking account plan or through a debit card with an overdraft feature, the amount to be disclosed is that of the credit extension, not the face amount of the check or the total amount of the debit/credit transaction.

3. *Amount—disclosure on cumulative basis.* If credit is extended under an overdraft checking account plan or through a debit card with an overdraft feature, the creditor may disclose the amount of the credit extensions on a cumulative daily basis, rather than the amount attributable to each check or each use of the debit card.

4. *Identification of transaction type.* The creditor may identify a transaction by describing the type of advance it represents, such as:

- Cash advance.
- Loan.
- Overdraft loan.
- Any readily understandable trade name for the credit program.

References

Statute: § 127(b)(2).

Previous regulation: § 226.7(k).

Other sections: §§ 226.2, 226.5 and 226.7.

1981 changes: Most of the changes are stylistic and organizational. Much of the specific detail on permissible ways to identify transactions has been deleted from the regulation itself and is now reflected in the commentary. Footnotes 16 and 18 implement the statutory amendment to § 127(b)(2) of the act. For descriptive billing of nonsale transactions, the regulation now permits use of the debiting date in all cases.

Section 226.9—Subsequent disclosure requirements.

9(a)(1) *Annual statement of billing rights.*

1. *General.* The creditor may provide this annual statement

- By sending it in one billing period per year (for example, July) to each consumer that gets a periodic statement for that period, or
- By sending a copy to all of its account holders sometime during the calendar year but not necessarily all in one billing period (for example, sending the annual notice in connection with renewal cards or when imposing annual membership fees).

2. *Substantially similar.* See commentary to Appendix G-3 and introduction to Appendices G and H.

9(a)(2) *Alternative summary statement.*

1. *Changing from long-form to short-form notice and visa versa.*

- If a creditor has been sending the long-form annual statement, and subsequently decides to use the alternative summary statement, the first summary statement must be provided not later than the time the next long-form statement would have been required.

- If a creditor has been sending the alternative summary with each periodic statement, and subsequently decides to furnish an annual notice, the first one must be provided with the next periodic statement. Thereafter, the timing of the annual statement is governed by paragraph 9(a)(1).

2. *Substantially similar.* See commentary to Appendix G-4 and introduction to Appendices G and H.

9(b) *Disclosures for supplemental credit devices and additional features.*

1. *Credit device—examples.* "Credit device" includes, for example, a blank check, payee-designated check, blank draft or order, or authorization form for issuance of a check; it does not include a check issued payable to a consumer representing loan proceeds or the disbursement of a cash advance.

2. *Credit feature—examples.* A new credit "feature" would include, for example, the addition of overdraft checking to an existing account (although the regular checks that could trigger the overdraft feature are not themselves "devices") or the option to activate a Christmas deferred billing plan.

3. *Same finance charge terms.* If the new means of accessing the account is provided on the same finance charge terms as previously disclosed, the creditor

- Need only provide a reminder that the new device or feature is covered by the earlier disclosures. (For example, in mailing special checks that directly access the credit line, the creditor might give a disclosure such as "Use this as you would your XYZ card to obtain a cash advance from our bank."); or
- May make the finance charge disclosures from § 226.6(a) that are relevant to the device or feature.

4. *Different finance charge terms.* The creditor may satisfy the requirement by sending a complete set of new initial disclosures reflecting the terms of the added device or feature.

9(c) *Change in terms.*

1. *State law issues.* This provision does not address the following issues, which are controlled by state law:

- Types of changes a creditor may make.
- How changed terms affect existing balances, such as when a periodic rate is changed and the consumer does not pay off the entire existing balance before the new rate takes effect.

2. *Change in billing cycle.* Whenever a creditor changes a consumer's billing cycle, it must give a change in terms

notice if the change affects any of the initially disclosed terms; for example, the creditor disclosed a 25 day free-ride period on purchases and the consumer will have fewer days during the billing cycle change.

9(c)(1) *Written notice required.*

1. *Changes not requiring notice.* The following do not require a change-in-terms notice:

- An increase in the consumer's credit limit.
- A change in the name of the credit card or credit card plan.
- The substitution of one insurer for another.
- A termination or suspension of credit privileges.
- Changes arising merely by operation of law; for example, if the creditor's security interest in a consumer's car automatically extends to the proceeds when the consumer sells the car.

2. *Affected consumers.* Change-in-terms notices need only go to those consumers who may be affected by the change. For example, a change in the periodic rate for check overdraft credit need not be disclosed to consumers who do not have that feature on their accounts.

3. *Timing.* The rule that the change in terms notice be provided at least 15 days before the change takes effect permits mid-cycle changes when there is clearly no retroactive effect, such as the imposition of a transaction fee. Any change in the balance computation method, in contrast, would need to be disclosed prior to the billing cycle in which the change is to be implemented.

4. *Timing.* Advance notice is not necessary—that is, a notice of change in terms is required, but it may be sent fewer than 15 days before the effective date of the change—in two circumstances:

- If there is an increased periodic rate or finance charge attributable to the consumer's delinquency or default (for example, if the creditor supplies vendor's single interest insurance coverage because of the consumer's failure to maintain casualty insurance on the collateral).
- If the consumer agrees to the change (for example, an agreed upon addition or substitution of collateral). But a consumer's use of the account, which might imply acceptance of its terms under state law, is not an "agreement" between the consumer and the creditor for purposes of this section.

5. *Form.* A complete new set of the initial disclosures containing the changed term complies with this provision if the change is highlighted in

some way on the disclosure statement, or if the disclosure statement is accompanied by a letter or some other insert that indicates or draws attention to the term change.

9(c)(2) Notice not required.

1. *Skip features.* Where a credit program allows consumers to skip or reduce one or more payments during the year, or involves temporary reductions in finance charges (in effect, terms are changed twice: once by reduction or deferral, and then by resumption of the original terms—for example, a merchant may allow consumers to skip the December payment to encourage holiday shopping, or a teacher's credit union may not require payments during summer vacation) no change in terms is required either prior to the reduction or upon resumption of the higher rates if these features are explained on the initial disclosure statement (including an explanation of the terms upon resumption). Otherwise, the creditor must give notice prior to resuming the original schedule or rate, even though no notice is required prior to the reduction.

References

Statute: § 127(a)(7).

Previous regulation: § 226.7 (d), (e), (f), and (j).

Other sections: §§ 226.4, 226.5, 226.6, 226.7, and Appendix G.

1981 changes: Paragraph (a) reflects the statutory change that now requires the statement of billing rights to be provided only once a year. The provision also changes the prior regulation by permitting the notices to be sent, in certain circumstances, at staggered intervals rather than all in one billing period. The verbatim text of the annual notice is no longer required, and creditors may use any "substantially similar" version. The substance of Board Interpretation § 226.708 has been incorporated in the commentary.

Paragraph (b) corresponds to § 226.7(j) of the prior regulation. It reduces the number and extent of disclosures when supplemental credit devices or new credit features are added to an existing open-end account. Disclosures are required only if the new device or feature is added more than 30 days after the initial disclosures, or if the finance charge terms differ.

Paragraph (c) substantially changes the rules under old § 226.7(f). Change-in-terms disclosures must now be made 15 days before the effective date of the change, rather than 15 days before the billing cycle in which the change will take effect. The kinds of changes that will trigger disclosures are reduced: change in terms notices are no longer required for changes described in

§ 226.9(c)(2). But the provision reverses Board Interpretation § 226.705, which indicated that certain changes in the balance computation method did not require disclosure because they could result in lowered finance charges; now, any change in the balance computation method requires disclosure.

Paragraph (d) corresponds to prior § 226.7(e), but no longer requires the point-of-sale merchant to disclose the amount financed and annual percentage rate figured in accordance with the closed-end credit provisions. Furthermore, this disclosure may be made orally by the person honoring the card.

Section 226.10—Prompt crediting of payments.

10(a) General rule.

1. *Crediting date.* This paragraph does not require a creditor to post the payment to the consumer's account on a particular date. The creditor is only required, as a general rule, to credit the payment as of the date of receipt.

2. *No impact on finance charge.* A creditor need not credit as of the date of receipt if the failure to do so does not result in additional finance or other charges. For example:

- If a creditor uses the adjusted balance method of computing finance charges, payment at any time before the closing date has the same effect on the amount of the finance charge, and the creditor need not credit payments as of the date of receipt. A payment would have to be credited to the account, however, before the closing date of the cycle so as to avoid additional charges in that or subsequent cycles.

3. *Date of receipt.* Payment is received when the payment instrument or other means of completing the payment reaches the creditor. For example:

- Payment by check is received when the creditor gets it, not when the funds are collected.
- In a payroll deduction plan in which transfers are credited to an asset account from which payments are then made periodically to an open-end credit account, payment is received on the date when it is debited to the asset account (rather than on the date of the deposit), provided the payroll deduction method is voluntary and the consumer retains use of the funds until the contractual payment date.
- If a consumer elects to have payment made by a third-party payor such as a financial institution, through a preauthorized payment or telephone bill-payment arrangement, a payment is received when the creditor gets the

third-party payor's check or other transfer medium, such as an electronic fund transfer.

4. *Implied guidelines for payments.* In the absence of specified requirements (§ 226.10(b)) for making payments:

- The "date of receipt" is the date that payment is made at any location where the creditor conducts business, as long as the payment is received before the creditor's close of business.
- Payment may be by cash, money order, draft, or other similar instrument in properly negotiable form.

10(b) Specific requirements for payments.

1. *Payment requirements.* A creditor might, for example:

- Set a cut-off hour for payment to be received, or set different hours for payment by mail and payments made in person.
- Specify that only checks or money orders should be sent by mail.
- Specify that payment is to be made in U.S. dollars.
- Specify one particular address for receiving payments

2. *Payment requirements—limitations.* Requirements must be reasonable; it should not be difficult for most consumers to make conforming payments:

- It would not be reasonable to require that all payments be made in person and in cash between 10 a.m. and 11 a.m., since this would require consumers to take time off from their own jobs to deliver payments.

3. *Acceptance of non-conforming payments.* If a creditor accepts a non-conforming payment (for example, payment at a branch office, when it had specified that payment be sent to headquarters), finance charges may accrue for the period between receipt and crediting of payments.

10(c) Adjustment of account.

1. *Charges imposed in error.* If a creditor's failure to credit a payment as required results in the imposition of any charge for that cycle, the creditor must make a compensating adjustment to the consumer's account during the following cycle. For example, if a late payment charge is erroneously imposed in one cycle (because payment was not timely credited), the next periodic statement should reflect a credit in the amount of that late payment charge. If the late posting also resulted in the accrual of additional finance charges, they too must be credited in the subsequent cycle.

References

Statute: § 164.

Previous regulation: § 226.7(g).

Other sections: §§ 226.2, 226.7.

1981 changes: The general rule set forth in this provision is substantively unchanged from the prior regulation. Much of the explanatory detail has been deleted from the regulation but is reflected in the commentary. Under the prior regulation, the creditor had to credit non-conforming payments promptly, with an outside limit of five days. The revised regulation simply allows five days in which to credit non-conforming payments. The five days in which to credit is available whenever the creditor accepts payment that does not conform to the creditor's disclosed specifications, in contrast to the prior regulation, which only allowed deferred crediting for payments made at the wrong location.

Section 226.11—Treatment of credit balances.

1. **Timing of refund.** Nothing in this section prohibits a creditor from refunding credit balances to the consumer's account in less than 6 months, even in the absence of a request.

2. **Amount of refund.** The amount that must be given to the consumer is the amount of the credit balance on the account at the time the creditor is required to make the refund. The creditor may take into consideration intervening purchases or other debits to the consumer's account (including those that have not yet been reflected on a periodic statement) that decrease or eliminate the credit balance.

3. **Good faith effort to refund.** If any part of a credit balance has remained in the account for more than six months, the creditor must take positive steps to return it to the consumer. This includes making attempts to reach or trace the consumer through the consumer's last known address or telephone number, or both if necessary. The creditor may undertake to return credit balances before six months have expired, but such an attempt does not excuse the creditor from the obligation to make a good faith effort after six months.

5. **Unrefundable credit balances.** This section imposes no further duties on the creditor if a good faith effort to return the balance is unsuccessful. The ultimate disposition of the unrefundable credit balance is to be determined under other applicable state or federal law.

References

Statute: § 165.

Previous regulation: § 226.7(h).

Other sections: § 226.7.

1981 changes: The creditor's duty to refund credit balances under the old regulation applied only to "excess payments"; the revised regulation reflects the amended statute and imposes duties on a creditor whatever the source of the credit balance. The revised regulation also permits the creditor, in computing the refund, to take account of intervening debits, not just the difference between the previous balance and the overpayment (as provided in the old regulation). The revised regulation gives the creditor 7 business days in which to make the refund after receiving the consumer's written request, whereas the old regulation required the creditor to make the refund "promptly," with an outside limit of 5 business days. This provision also implements the amended statute by requiring a good faith effort to refund the credit balance after six months.

Section 226.12—Special credit card provisions.

12(a) Issuance of credit cards.

1. **Scope.** The rules in this paragraph restrict the issuance of unsolicited credit cards, whether the card is intended for consumer, business, or any other purposes. This and the following paragraph are therefore exceptions to the general rule (see §§ 226.1 and 226.3) that the regulation applies only to consumer credit.

12(a)(1) Initial issuance.

1. **Explicit request.** A request or application for a card must be explicit. For example, a request for overdraft privileges on a checking account does not constitute an application for a credit card with overdraft checking features.

2. **Addition of credit features.** If a consumer has a non-credit card, the addition of credit features to the card (for example, the granting of overdraft privileges on a checking account when the account holder already has a check guarantee card) constitutes issuance of a credit card.

3. **Variance of card from request.** The request or application need not correspond exactly to the card that is issued. For example,

- The name of the card requested may be different when issued.
- The card may have different or additional features from those reflected in the request or application.

4. **Permissible form of request.** The request or application may be oral (in response to a telephone solicitation by a card issuer, for example) or written.

5. **Time of issuance.** A credit card may be issued in response to a request made before any cards are ready for issuance (for example, where a new

program is established), even if there is some delay in issuance.

6. **Persons to whom cards may be issued.** A card issuer may issue a credit card to the person who requests it, and to anyone else for whom that person requests a card. Cards may be sent to consumer A on A's request, and also (on A's request) to consumers B and C, who will be authorized users on A's account.

- The additional cards may be imprinted in either A's name or in the names of B and C.
- No liability for unauthorized use, not even the \$50, may be imposed on B or C since they are merely users and not "cardholders" as that term is defined in § 226.2 and used in § 226.12(b); of course, liability may be imposed on A.
- Whether B and C can be held liable on the account generally is a matter of state law.

7. **Issuance of non-credit cards.** The issuance of an unsolicited device that is not, but may become, a credit card, is not prohibited provided:

- The device has some substantive purpose other than obtaining credit, such as access to non-credit services offered by the issuer;
- It cannot be used as a credit card when issued; and
- A credit capability will be added only on the recipient's request.

For example, a card issuer could send a check guarantee card on an unsolicited basis, but could not add a credit feature to that card without the customer's specific request. The re-encoding of an EFT access device or other existing card that had no credit privileges when issued would be appropriate after the customer has specifically requested a card with credit privileges. Similarly, the card issuer may add a credit feature, for example, by reprogramming the issuer's computer program or automated teller machines, or by a similar program adjustment.

12(a)(2) Renewal and substitution.

1. **Renewal.** "Renewal" generally contemplates the regular replacement of existing cards for security reasons or to implement new technology or systems. It also includes the re-issuance of cards that have been suspended temporarily, but does not include the reactivation of a closed account if the prior card had expired, been cancelled, or was otherwise rendered unusable.

2. **Substitution—examples.** "Substitution" encompasses the replacement of one card with another because the underlying account relationship has changed in some way—such as when the card issuer has:

- Changed its name.

• Changed the name of the card.
 • Added new features to the account.
 For example, the substitute card might be usable for obtaining cash advances through automated teller machines, in addition to making purchases and obtaining cash advances at teller windows as could be done with the original card. (If the substitute card constitutes an access device, as defined in Regulation E, then the Regulation E issuance rules would have to be followed.)

3. *Substitution—purchases of accounts.* "Substitution" also occurs when a new card issuer purchases the accounts of the original issuer and issues its own card to replace the original one. A permissible substitution exists even if the original issuer retains the existing receivables and the new card issuer acquires the right only to future receivables, provided use of the original card is cut off when use of the new card becomes possible.

4. *Replacement for non-credit card plan.* A credit card that replaces a retailer's open-end credit plan not involving a credit card is not considered a substitute for the retailer's plan. The credit card itself must meet the tests for an "accepted credit card." It cannot be issued in these circumstances without a request or application.

5. *Permissible renewals and substitutions.* Both renewals and substitutions of credit cards may be made on an unsolicited basis regardless of whether:

- The card is issued by the same or a successor card issuer.
- The card has credit or other features the same as or different from the original credit card.
- The card issuer substitutes a card user's name on the renewal or substitute card for the cardholder's name appearing on the original card.

6. *One-for-one rule.* An accepted card may be replaced by no more than one renewal or substitute card. For example, a card issuer may not replace a credit card permitting purchases, in-person cash advances and ATM cash advances with two cards, one for the purchases and cash advances and another for the ATM transactions.

7. *One-for-one rule—exception.* The regulation does not prohibit a card issuer from replacing a debit/credit card with one card that could be used for credit purchases and cash advances and another card with only debit functions (or debit functions plus an associated overdraft capability).

8. *Continuity of merchant base.* To qualify as a permissible renewal or

substitution, the new card must be honored by at least one of the persons that honored the original card.

9. *Methods of terminating replaced card.* The card issuer need not physically retrieve the original card, provided:

- The issuer includes with the new card a notification that the existing card is no longer valid and should be destroyed immediately.
- The original card contained an expiration date.
- The old card is voided in some other way.

10. *Incomplete replacement.* If Card A is one type of national credit card and Card B is another, replacement of two Card As on an account by one Card A and one Card B is not permissible with regard to card B without a request.

12(b) *Liability of cardholder for unauthorized use.*

1. *Meaning of "cardholder."* For purposes of this provision, "cardholder" includes any person (including organizations) to whom a credit card is issued for any purpose, including business. When a corporation is the cardholder, required disclosures should be provided to the corporation (as opposed to an employee user).

12(b)(1) *Limitation on amount.*

1. *Meaning of "authority."* Footnote 22 defines unauthorized use in terms of whether the user has "actual, implied, or apparent authority." Whether such authority exists must be determined by reference to applicable state law.

2. *Liability limits—dollar amounts.*

As a general rule the cardholder's liability for a series of unauthorized uses cannot exceed either \$50 or the value obtained through the unauthorized use before the card issuer is notified, whichever is less.

12(b)(2) *Conditions of liability.*

1. *Disclosure of liability and means of notifying issuer.* This basic disclosure of potential liability need not be given at any particular time or in any particular form. Some of the ways in which it can be given:

- On the credit card itself.
- On periodic statements.
- With the initial disclosures under § 226.6
- At any other time preceding the unauthorized use.

2. *Means of identifying cardholder or user.* The issuer must provide some method whereby the cardholder or the authorized user can be identified. This could include, for example:

- Signature on the card
- Photograph on the card.
- Fingerprint on the card.

- Electronic or mechanical confirmation.

3. *Identification by magnetic strip.* A magnetic strip on the card that merely verifies the account status is not a proper means of identification. But if the magnetic strip must be used in conjunction with a secret code or the like, a sufficient means of identification exists. Nor is there sufficient identification where a "pool" or group card, issued to a corporation and signed by a corporate agent, is intended to be used by other employees for whom the card provides no means of identification.

4. *Separate identification of each user.* It is not necessary under paragraph (b)(2) for each card issued for an account to be embossed or signed in the name of the individual that will use it, or that each user be separately identifiable. Where, for example, spouse A requests cards for both A and spouse B (making B an authorized user), this requirement is satisfied if B's card permits identification of either A or B (for example, by use of a secret code number unique to A and B).

5. *Transactions not involving card.* A cardholder bears no liability under this section when the card itself is not presented. For example, merchandise may be purchased by telephone, using a credit card account number only, by a person without authority to do so. The cardholder's account number may be widely available. Since the issuer has not provided a means to identify the user under these circumstances, the issuer has not fulfilled one of the conditions for imposing liability.

6. *Issuer's option not to comply.* A card issuer that chooses not to impose any liability for unauthorized use on cardholders need not comply with these notice and identification requirements.

12(b)(3) *Notification to card issuer.*

1. *To whom notice must be provided.*

Notice given in a normal business manner—for example, by mail, telephone, or personal visit—is effective even though it is not given to, or does not reach, some particular person within the issuer's organization. Notice also may be effective even though it is not given to the person, address, or phone number disclosed by the card issuer under § 226.12(b)(2)(ii).

2. *Who must provide notice.* It is not essential, under this provision, that notice of loss, theft, or possible unauthorized use be initiated by the cardholder. Notice from an authorized user, a family member, or anyone else is sufficient so long as it gives the "pertinent information" which would include the name or card number of the

cardholder and an indication that unauthorized use has or may have occurred.

12(b)(5) Business use of credit cards.

1. *Agreement for higher liability for business use cards.* A card issuer may not rely on this provision if the business is clearly not in a position to provide 10 or more cards to employees (for example, if the business has only 3 employees).

12(c) Right of cardholder to assert claims and defenses against card issuer.

1. *Relationship to § 226.13.* This credit card "holder in due course" provision deals with the consumer's right to assert against the card issuer a claim or defense concerning property or services purchased with a credit card, if the merchant has been unwilling to resolve the dispute. Even though certain merchandise disputes, such as non-delivery of goods, may also constitute "billing errors" under § 226.13, that section operates independently of this one. A cardholder whose asserted billing error involves undelivered goods may institute the error resolution procedures of § 226.13; but whether or not the cardholder has done so, the cardholder may assert claims or defenses under paragraph (c). Conversely, a consumer may pay a disputed balance and thus have no further right to assert claims and defenses under this section, but still may assert a billing error under § 226.13 if notice of that billing error is given in the proper time and manner. An assertion that a particular transaction resulted from unauthorized use of the card could also be both a "defense" under this section and a billing error under § 226.13.

2. Situations excluded and included.

A consumer may assert claims or defenses under this provision only when the goods or services are "purchased with the credit card." This could include:

- Mail or telephone orders, if the purchase is charged to the credit card account.

But it would exclude:

- A purchase made with special cash advance checks.
- Use of a credit card to obtain a cash advance, if the consumer then uses the money to purchase goods or services. Such a transaction would not involve "property or services purchased with the credit card."
- The purchase of goods or services by use of a check accessing an overdraft account and a credit card used solely for identification of the consumer.
- Purchases made by use of a check guarantee card in conjunction with a special cash advance check.

- Purchases effected by use of either a check guarantee card or a debit card when used to draw on overdraft credit lines (see Footnote 24).

The debit card exemption under Footnote 24 applies whether the card accesses an asset account via point-of-sale terminals, automated teller machines, or in any other way, and whether the card qualifies as an "access device" under Regulation E or is only a paper-based debit card. If a card serves both as an ordinary credit card and also as check guarantee or debit card, a transaction will be subject to this rule on asserting claims and defenses when used as an ordinary credit card, but not when used as a check guarantee or debit card.

12(c)(2) Adverse credit reports prohibited.

1. *Scope of prohibition.* Although an amount in dispute may not be reported as delinquent until the matter is resolved:

- That amount may be reported as disputed.
- Nothing in this provision prohibits the card issuer from undertaking its normal collection activities for delinquent accounts.
- This provision does not require a card issuer to correct an adverse credit report if the consumer does not assert a claim or defense until after the report was made.

12(c)(3) Limitations.

1. *Resolution with merchant.* The consumer must have tried to resolve the dispute with the merchant. This does not require any special procedures or correspondence between them, and is a matter for factual determination in each case. When the merchant is in bankruptcy proceedings, this section does not:

- Require the consumer to file a claim in those proceedings.
- Require the consumer to seek satisfaction from the manufacturer of the goods involved.

2. *Amount limitation.* The \$50 criterion refers to the total amount of credit extended in any single transaction, even though that total may consist of several items each of which had a price under \$50, and even though the dispute relates to only a part of the transaction.

3. *Geographic limitation.* The question of where a transaction occurs (as in the case of mail or telephone orders, for example) is to be determined under state law.

4. *Merchant honoring card.* The exceptions to the amount and geographic limitations do not apply where the merchant merely honors, or

indicates through signs or advertising that it honors, a particular credit card.

12(d)(1) Offsets by card issuer.

1. *"Holds" on accounts.* "Freezing" or placing a hold on funds in a cardholder's deposit account, which is the functional equivalent of an offset, would contravene this rule, unless done in the context of one of the specified exceptions to the offset prohibition. For example, if the terms of a security interest permitted a card issuer to place a hold on the funds subject to the security interest, the hold would not violate the offset rule.

2. *Types of indebtedness; overdraft accounts.* The prohibition applies to any indebtedness arising from consumer credit transactions, including accrued finance charges and other charges on the account. It would also include balances arising from transactions not using the credit card itself but taking place under plans that involve credit cards. For example, if a consumer writes a check that accesses an overdraft line of credit, the resulting indebtedness is subject to the prohibition of offsets since it is incurred through a credit card plan, even though the consumer did not use an associated check guarantee or debit card.

3. *When prohibition applies in case of termination of account.* The prohibition against set-off applies even after the card issuer terminates the cardholder's credit card privileges, if the indebtedness was incurred prior to termination. If the indebtedness was incurred after termination, the prohibition does not apply.

4. *Funds intended as deposits.* This provision also would prohibit a card issuer's applying funds tendered by the consumer as a deposit against the consumer's credit card account.

12(d)(2) Exceptions.

1. *Scope of exceptions.* In general, the card issuer may obtain the consumer's deposit-account funds only by using procedures equally available to other creditors. Note that if a card issuer obtains a judgment against a cardholder, and if the terms of the judgment so permit, the creditor may set off the indebtedness against the cardholder's deposit account.

12(d)(3) Automatic payment plans.

1. *Scope of exception; additional exceptions.* This provision permits plans under which the card issuer may—with the cardholder's written, signed or initialed authorization—periodically apply portions of a deposit account to the outstanding credit card indebtedness. This provision does not prohibit

- Debiting on the cardholder's specific request rather than debiting the cardholder's deposit account on an automatic periodic basis (for example, a cardholder might check a box on the credit card bill stub, requesting the issuer to debit the cardholder's account to pay that bill).
- Automatically deducting charges for participation in a program of banking services (one aspect of which may be a credit card plan).

12(e) Prompt notification of returns and crediting of refunds.

1. *Explanation of provision; when time periods begin to run.* If a merchant (that is not itself the card issuer) generates a credit for a refund, it must send a credit statement to the card issuer within 7 business days after accepting the return or forgiving the debt. The 7-day period only begins to run when the merchant "accepts" the return or "forgives" the debt. The time of acceptance or forgiveness must be determined under applicable state law.

2. *Normal channels.* "Normal channels" refers to any network or interchange system used for the processing of the original charge slips.

References

Statute: §§ 103(1), 132, 133, 135, 162, 166, 167, 169, 170.

Previous regulation: § 226.13.

Other sections: § 226.13.

1981 changes: The issuance rules (paragraph (a)) are substantially unchanged. They make clear that cards may be sent not only to the person making the request but also to any other person for whom a card is requested, except that no liability for unauthorized use may be imposed on persons who are only authorized users.

The principal differences regarding conditions of liability are as follows: the requirement that the cardholder be given a postage-paid, pre-addressed card or envelope for notification of loss or theft has been deleted (corresponding to an amendment to the act); the required disclosure of maximum liability and of means of notification has been simplified; and the required provisions of a means of identification has been relaxed in that the issuer now may provide a means to identify either the cardholder or the authorized user. Finally, anyone may provide the notification to a card issuer, rather than only the cardholder.

The offsets section incorporates the staff position on consensual security interests, which has been modified to provide that the security interest need no longer be limited to an agreed-upon amount. The separate promptness standard, which used to apply in

addition to the 7-business-day and 3-business-day standards, has been deleted from the provision governing prompt notification of returns. A staff interpretation concerning the use of clearing accounts is not incorporated in the text of the regulation.

Finally, a cross reference to Regulation E, Electronic Fund Transfer, has been added.

Section 226.13—Billing error resolution.

General

1. *General prohibitions.* Footnote 27 prohibits a creditor from responding to a consumer's billing error allegations by accelerating the debt or closing the account, and reflects protections authorized by § 161(d) of the Truth in Lending Act and § 701 of the Equal Credit Opportunity Act. This footnote also alerts creditors that failure to comply with the error resolution procedures may result in the forfeiture of disputed amounts as prescribed in § 161(e) of the act. (Any failure to comply may also be a violation subject to the liability provisions of § 130 of the act.)

2. *Charges for error resolution.* If a billing error occurred, whether as alleged or in a different amount or manner, the creditor may not impose a charge for any aspect of the error resolution process (including any documentation supplied) and must credit the consumer's account if such a charge was assessed pending resolution. The Truth in Lending Act does not address whether a creditor may impose a charge for the investigation of a billing error if no error occurred.

13(a) Definition of billing error.

Paragraph 13(a)(1).

1. *Actual, implied or apparent authority.* Whether use of a credit card is authorized is determined by applicable state law.

Paragraph 13(a)(3).

1. *General.* Paragraph (a)(3) covers disputes about goods or services that are "not accepted" or "not delivered" * * * as agreed." For example:

- The appearance on a periodic statement of a purchase, when the consumer had refused to take delivery of goods on grounds they did not comply with the contract.
- Delivery of property or services different from that agreed upon.
- Delivery of the wrong quantity.
- Late delivery.
- Delivery to the wrong location.

It does not include a dispute relating to the quality of property or services that the consumer does accept. Whether goods or services have been accepted is determined by state law.

Paragraph 13(a)(5).

1. *Computational errors.* Paragraph (a)(5) covers periodic statement errors that affect transaction entries or other entries such as the finance charge, payments, or late payment charges. For periodic statements that are combined with other information, the error resolution procedures are triggered only if the consumer asserts a computational billing error in the credit-related portion of the periodic statement. For example:

- If a bank combines a periodic statement reflecting the consumer's credit card transactions with the consumer's monthly checking statement, a computational error in the checking account portion of the combined statement is not a billing error under this section.

Paragraph 13(a)(6).

1. *Requests for clarification—billing errors.* Paragraph (a)(6) includes as billing errors requests for "additional clarification" about credit extensions shown on the periodic statement. This would include requests for copies of transaction documents or for further identification of the particulars of a transaction, when it appears that the consumer is questioning the accuracy of information supplied on the periodic statement. See commentary to § 226.13(b)(3). A creditor may ask about the reason or purpose behind the consumer's documentation request.

2. *Requests for clarification—not billing errors.* No billing error has been alleged if the consumer merely requests copies of documents for purposes such as

- Tax preparation.
- Recordkeeping.

13(b) Billing error notice.

1. *Withdrawal.* The consumer's withdrawal of a billing error notice under Footnote 28 may be oral or written.

Paragraph 13(b)(1).

1. *Failure to send periodic statement—timing.* If the creditor has failed to send a periodic statement under paragraph (a)(7), the 60 day period runs from the time the statement should have been sent. Once the statement is provided, the consumer has another 60 days to assert any billing errors reflected on it.

2. *Failure to reflect credit—timing.* If the periodic statement fails to reflect a credit to the account, the 60 day period runs from transmittal of the statement on which the credit is expected to appear. For example, if a seller tells a consumer late in the July cycle that a credit is being issued to the account, the consumer might not expect the credit to

be reflected until the September statement.

3. *Transmittal.* Transmittal by the creditor includes the practice, at the consumer's request, of making a periodic statement available for pick-up at the creditor's office.

Paragraph 13(b)(2).

1. *Identity of the consumer.* Although paragraph (b)(2) requires that the consumer's billing error notice permit the creditor to identify the consumer and the account number, it does not require both name and account number to appear in the notice, merely that the information supplied enable the creditor to identify the consumer's name and account.

Paragraph 13(b)(3).

1. *Documentation requests.* Requests for documentation such as receipts or sales slips, unaccompanied by an allegation of error or a request for additional clarification under paragraph (a)(6), do not constitute a billing error notice under paragraph (b)(3).

13(c) *Time for resolution; general procedures.*

1. *Temporary or provisional corrections.* A creditor may make a temporary or provisional correction to the consumer's account in response to a billing error notice, but is not excused from complying with the remaining error resolution procedures within this paragraph's time limits.

2. *Correction without investigation.* A creditor is free to correct a billing error in the manner and amount asserted by the consumer without investigation or the determination normally required. The creditor must comply, however, with all other applicable provisions. If a creditor follows this procedure, no presumption is created that a billing error occurred.

Paragraph 13(c)(2).

1. *Time for resolution.* The phrase "two complete billing cycles" means two actual billing cycles occurring subsequent to receipt of the billing error notice, not a measure of time equaling any two billing cycles. For example, if a creditor on a monthly billing cycle receives a billing error notice mid-cycle, it has the remainder of that cycle plus the next two full billing cycles to resolve the error.

13(d) *Rules pending resolution.*

1. *Disputed amount.* The disputed amount is the specific dollar amount alleged by the consumer as a billing error. When the allegation concerns the description or identification of the transaction (such as the date or the seller's name) rather than a dollar amount, the disputed amount is the amount of the transaction or charge that corresponds to the disputed transaction

identification. If the consumer alleges a failure to send a periodic statement under paragraph (a)(7), the entire balance owing would be the disputed amount.

2. *Prohibited collection actions.* During the error resolution period, the creditor is prohibited from trying to collect the disputed amount from the consumer. Prohibited collection actions include, for example, instituting court action, taking a lien, or instituting attachment proceedings.

3. *Right to withhold payment.* While the creditor must state on the periodic statement that payment of any disputed amount is not required pending error resolution, this disclosure need not appear in any specific place on the statement and it need not state the specific amount that the consumer may withhold. The creditor may preprint on its periodic statement forms a statement that payment of any disputed amount is not required pending resolution.

4. *Imposition of additional charges on undisputed amounts.* The consumer's withholding of the disputed amount from the total bill cannot subject the undisputed portion to the imposition of additional finance or other charges. For example, on an account with a 30-day free-ride period, a consumer who disputed a \$2 item out of a total bill of \$300 and paid \$298 within the free-ride period would not lose the free ride as to the undisputed portion, even if the creditor determines later that no billing error occurred.

Paragraph 13(d)(1).

1. *Automatic payment plans.* The coverage of this provision is limited to the card issuer's intra-institutional payment plans. It does not apply to:

- Inter-institutional payment plans that permit a cardholder to pay automatically any credit card indebtedness from an asset account not held by the card issuer receiving payment.
- Intra-institutional automatic payment plans offered by financial institutions that are not credit card issuers.

Paragraph 13(d)(2).

1. *Report of dispute.* Although paragraph (d)(2) prohibits a creditor or its agent from issuing an adverse credit report because the consumer fails to pay the disputed amount or any related charges, the creditor may report that the amount or the account is in dispute. Also, the creditor may report an account as delinquent if undisputed amounts remain unpaid.

2. *"Person."* During the error resolution period, the creditor is prohibited from making an adverse credit report to any person—including

employers, insurance companies, other creditors, and credit bureaus.

3. *Creditor's agent.* Whether an agency relationship exists between a creditor and an issuer of an adverse credit report is determined by state law.

13(e) *Procedures if billing error occurred as asserted.*

1. *Correction of error.* The phrase "as applicable" is used in paragraph (e)(1) to make clear that the necessary corrections vary with the type of billing error that occurred. For example, a misidentified transaction is cured by properly identifying the transaction and crediting related finance and other charges. The creditor does not have to cancel the amount of the underlying obligation incurred by the consumer.

2. *Form of correction notice.* In addition to correcting the error, the creditor is required under paragraph (e)(2) to provide the consumer with a correction notice. This written notice may take a variety of forms. It may be sent separately, or it may be included with or on a periodic statement that is mailed within the time for resolution. Since all disclosures must be clear and conspicuous, the amount of the billing error must be specifically identified when the creditor uses the periodic statement to satisfy the correction notice requirement. If a separate billing error correction notice is provided, the accompanying or subsequent periodic statement reflecting the corrected amount may simply identify it as "credit."

13(f) *Procedures if different billing error or no billing error occurred.*

1. *Different billing error.* A "different billing error" would include:

- Differences in the amount of an error (for example, the customer asserts a \$55.00 error but the error was only \$53.00).
- Differences in other particulars asserted by the consumer (as when a consumer asserts that a particular transaction never occurred, but the creditor determines that only the seller's name was disclosed incorrectly).

2. *Creditor's explanation.* The written explanation under paragraph (f)(1):

- May be included on or with a periodic statement that is mailed within the time for resolution. If the explanation is provided on a periodic statement, the general "clear and conspicuous" disclosure requirement continues to apply. For example, if a different billing error occurred, credits of any disputed amount or related finance or other charges reflected on a periodic

statement must be clearly identified as corrections.

- May be sent separately. If a separate explanation is provided, the enclosed or subsequent periodic statement reflecting the corrected amount may simply identify it as a "credit."
- May be combined with the creditor's notice to the consumer of amounts still owing, which is required under paragraph (g)(1), provided it is sent within the time limit for resolution.

Paragraph 13(f)(3).

1. *Correction of error.* See commentary to paragraph § 226.13(e).

13(g) *Creditor's rights and duties after resolution.*

Paragraph 13(g)(1).

1. *Written notice.* Paragraph (g)(1) requires the creditor to send a written notice informing the consumer of how much is still due and when it is payable. Amounts the consumer still owes may include both minimum periodic payments and related finance and other charges that accrued during the resolution period. See commentary to § 226.13(d).

2. *Notice of amount owed—timing.* While it need not send the notice of amount owed within the time period for resolution, the creditor is under a duty to send the notice promptly after resolution of the alleged error. The notice may be sent:

- Separately.
- On or with a periodic statement.
- Combined with the billing error explanation required under paragraph (f)(1). If the creditor combines the notice of the amount owed with the explanation, the combined notice must be provided within the item limit for resolution.

Paragraph 13(g)(3).

1. *Time for payment.* Paragraph (g)(3) restrictions on the creditor's ability to report the consumer's account as delinquent are contingent on giving the consumer adequate time to pay after the resolution of the billing error. If the creditor in its initial disclosures disclosed a free-ride period greater than 10 days, the consumer cannot be reported as delinquent if the required payment is made at any time within that period. The creditor uses the usual triggering event to toll the time for payment. If no free-ride period is normally given, then the consumer has 10 days to pay (measured from receipt of the notice of the amount owed) before the creditor may issue an adverse credit report.

Paragraph 13(g)(4).

1. *Credit reporting.* Under paragraphs (g)(4) (i) and (iii) the creditor's additional credit reporting

responsibilities must be accomplished promptly. The creditor need not establish costly procedures to fulfill this requirement. For example, a creditor that reports to a credit bureau on scheduled monthly updates need not transmit corrective information immediately by an unscheduled computer or magnetic tape. It may provide the credit bureau with the correct information by letter or other commercially reasonable means. The creditor is not responsible for ensuring that the credit bureau corrects its information immediately.

2. *Adverse report to credit bureau.* If a creditor made an adverse report to a credit bureau that disseminated the information to other creditors, the creditor need only provide the consumer with the name and address of the credit bureau.

13(i) *Relation to EFT Act and Regulation E.*

1. *Application to EFT/credit transactions:* This provision is designed to ease compliance for financial institutions that extend credit incident to an electronic fund transfer that is subject to the Board's Regulation E. For example, if a consumer withdraws money at an ATM machine and activates an overdraft credit feature on the checking account.

- An error asserted with respect to the transaction is subject, for error resolution purposes, to the applicable Regulation E provisions (such as timing and notice) for the entire transaction.
- The creditor need not provisionally credit the consumer's account, under § 205.11(c)(2)(i) of Regulation E, for any portion of the unpaid extension of credit.
- The creditor must credit the consumer's account under § 205.11(e), with any finance charges incurred as a result of the alleged error.
- The provisions of § 226.13 (d) and (g) would continue to apply to the credit portion of the transaction.

References

Statute: §§ 161 and 162.

Previous regulation: §§ 226.2(j), 226.2(cc), and 226.14.

Other sections: §§ 226.6, 226.7, and 226.8.

1981 changes: This section reflects a complete restructuring of the error resolution provisions. The new organization of the provisions, for example, arranges the creditor's responsibilities in chronological sequence. There are also several substantive changes from the previous regulation.

Section 226.13(a)(7) implements amended § 161(b) of the act, and provides that the creditor's failure to send a periodic statement to the consumer's current address is a billing error, unless the creditor received written notice of the address change fewer than 20 days (instead of 10 days) before the end of the billing cycle.

Several provisions regarding the creditor's duties after a billing error is alleged have been revised. The old regulation immunized a creditor from liability for inadvertently taking collection action or making an adverse credit report within two days after receiving a billing error notice; these provisions are deleted from the revised regulation. The new regulation also deletes requirements about the location of disclosures "on the face" of the periodic statement for payment of disputed amounts and permits a creditor to pre-print notices on the periodic statement concerning payment of disputed amounts.

The revised section changes the old rule that a card issuer must prevent or restore an automatic debit of a disputed amount if it receives a billing error notice within 16 days after transmitting the periodic statement that reflects the alleged error. Under the new regulation, the card issuer must prevent an automatic debit if it receives a billing error notice up to three days before the scheduled payment date (provided the notice is received within the 60 days that the consumer has to assert the error).

After resolution, the new regulation requires the creditor to allow the greater of 10 days or the free-period previously disclosed in which to pay parts of the disputed amount still owing. The old regulation required a creditor to give the consumer the greater of the *customary* free-ride period or ten days.

The new regulation adds a provision addressing the relationship between the error resolution provisions of Regulation Z and Regulation E (Electronic Fund Transfers).

Former § 226.14(f), which implemented the statutory forfeiture penalty, has been deleted. A reference to the penalty is in Footnote 27.

Section 226.14—Determination of annual percentage rate.

14(a) *General rule.*

1. *Tolerance.* The tolerance of $\frac{1}{8}$ of one percentage point above or below the APR applies to any required disclosure of the APR. This includes the disclosure in:

- Initial statements.
- Periodic statements.

- Change in terms notices under § 226.9(c).
- Advertising under § 226.16.

There is not explicit tolerance for any periodic rate as such, and a disclosed periodic rate may vary from precise accuracy only to the extent that its annualized equivalent is within the tolerance permitted by this section.

2. *Rounding.* The provision does not require that the APR be calculated to any particular number of decimal places; rounding is permissible within the $\frac{1}{2}$ of one percent tolerance. For example, an exact APR of 14.33333% may be stated as 14.33% or as 14.3%, or even as 14 $\frac{1}{4}$ %; but it could not be stated as 14.2% or 14%, since either of these vary by more than the permitted tolerance.

3. *Finance charges.* The regulation does not prohibit creditors from assessing finance charges on balances that include prior, unpaid finance charges. However, state law may prohibit imposing new finance charges on prior, unpaid charges.

14(b) *APR for initial disclosures, advertising.*

1. *Corresponding APR.* For initial disclosures (under § 226.6) and for advertising (under § 226.16) the APR is determined by multiplying the periodic rate by the number of periods in the year. This computation reflects the fact that, in such disclosures, the rate (known as the corresponding APR) is prospective and does not involve any particular finance charge or periodic balance.

14(c) *APR for periodic statements.*

1. This provision clarifies that, in disclosing the corresponding APR for each periodic rate (under § 226.7(d)), the APR is calculated by simply multiplying each periodic rate by the number of periods per year. This disclosure is like that provided on the initial disclosure statement. The periodic statement also must reflect (under § 226.7(g)) the annualized equivalent of the rate actually applied during a particular cycle (the historical rate); this rate may differ from the corresponding APR because of the inclusion of fixed, minimum, or transaction charges.

Paragraphs (c)(1) through (c)(4) state the computation rules for the historical rate.

2. *Periodic rates.* Paragraph (c)(1) applies if the only finance charge imposed is by application of a periodic rate to a balance. The creditor may compute the APR either

- By multiplying each periodic rate by the number of periods in the year; or
- By the "quotient" method.

This method refers to a composite APR where different periodic rates apply to

different balances. For example, a particular plan may involve a periodic rate of 1 $\frac{1}{2}$ % on balances up to \$500, and 1% on balances over \$500. If, in a given cycle, the consumer has a balance of \$800, the finance charge would consist of \$7.50 ($500 \times .015$) plus \$3.00 ($300 \times .01$), for a total finance charge of \$10.50. The APR for this period may be disclosed either as 18% on \$500 and 12% on \$300, or as 15.75% on a balance of \$800 (the quotient of \$10.50 divided by \$800, multiplied by 12).

3. *Charges not based on periodic rates.* Paragraph (c)(2) applies if the finance charge imposed includes a charge not due to the application of a periodic rate. For example, if a creditor imposes a minimum \$1 finance charge on all balances below \$50, and the consumer's balance was \$40 in that period, the creditor would disclose an APR of 30% ($\frac{1}{40} \times 12$).

4. *No balance.* Footnote 32 would apply, for example, to a plan in which no free ride is given for advances even if payment is made in full on a monthly basis. If the consumer pays the balance on May 19 and has no transactions thereafter, the June statement might reflect a finance charge with no balance. No APR can be determined, so none need be disclosed for the June statement.

5. *Transaction charges.* The transaction charges noted in paragraph (c)(3) include, for example,

- A loan fee imposed on a particular advance.
- A point-of-sale discount for payment by cash rather than credit card if the discount is a finance charge and the card issuer is not excused from disclosure under § 226.9(d)(2).

The reference to avoiding duplication in the computation requires that the amounts of transactions on which transaction charges were imposed not be included both in the amount of total balances and in the "other amounts on which a finance charge was imposed" figure. For further explanation and examples of how to determine the components of this formula, see Appendix F.

6. *Charges related to opening account.* Footnote 33 is applicable to both paragraphs (c)(2) and (c)(3). The charges involved here do not relate to a specific transaction or activity on the account, but relate solely to the opening of the account. Inclusion of these charges in the APR calculation would result in significant distortions of the APR and delivery of a possibly misleading disclosure to consumers. This rule applies even if the loan fee, points or similar charges are billed on a

subsequent periodic statement or withheld from the proceeds of the first advance on the account.

7. *Small finance charges.*

§ 226.14(c)(4) gives the creditor an option to paragraphs (c)(2) and (c)(3) if small (50 cents or less) minimum or fixed fees are involved. For example, while a monthly activity fee of 50 cents on a balance of \$20 would produce an APR of 30% under the rule in paragraph (c)(2), the creditor may disclose an APR of 18% if the periodic rate generally applicable to all balances is 11 $\frac{1}{2}$ % per month. This option is consistent with the provision in Footnote 11 to §§ 226.6 and 226.7 permitting a creditor to disregard the effect of minimum charges in disclosing the ranges of balances to which periodic rates apply.

14(d) *Calculations where daily periodic rate applied.*

1. *Quotient methods.* This provision addresses use of the quotient method to determine the annual percentage rate, and a daily periodic rate(s) to determine some or all of the finance charge. Since the usual quotient formula does not work when a daily rate is being applied to a series of daily balances, this paragraph gives the creditor two alternatives. Either formula produces accurate APRs for purposes of this regulation.

References

Statute: § 107.

Previous regulation: § 226.5(a).

Other sections: §§ 226.6 and 226.7.

1981 changes: The provision reflects the statutory amendment incorporating a $\frac{1}{2}$ of one percent tolerance for annual percentage rates. The provision in the prior regulation dealing with finance charges imposed on specified ranges or brackets of balances was deleted. A new footnote clarifies that loan fees, points, or similar charges unrelated to any specific transaction are not to be computed into the APR. Board Interpretations §§ 226.501 and 226.506 are incorporated.

Section 226.15—Right of rescission.

15(a) *Consumer's right to rescind.*

1. *Coverage.* This section applies to transactions in which:

- A security interest arises from the credit transaction.
- The security interest is taken in a consumer's dwelling.
- The dwelling is that consumer's principal place of residence.

2. *Transactions not covered.* If a credit extension is otherwise exempt from Regulation Z, it does not become subject because of the nature of the collateral securing the credit. For

example, the right of rescission does not apply to a business purpose loan even though the loan is secured by the customer's principal dwelling.

3. *Transactions giving rise to right.* Under an open-end credit plan secured by the consumer's principal dwelling, the general rule is that the right of rescission arises with each transaction on the account, including:

- Each credit extension.
- Opening the account.
- Adding a security interest in the consumer's principal residence to an existing account.
- Increasing the dollar amount of security taken in the dwelling to secure the plan.
- Increasing the credit limit. For example, a consumer may open an account with a \$10,000 credit limit, \$5,000 of which is initially secured by the consumer's principal dwelling. The consumer has the right to rescind upon opening the account and (except as noted in paragraph (a)(1)(ii)) with each extension on the account. Later, if the creditor decides that it wants the credit line fully secured, and increases the amount of its interest in the consumer's dwelling, the consumer again has the right to rescind.

4. *Exceptions.* Although as a general rule the consumer has the right to rescind with each transaction on the account, § 125(e) of the amended act provides that until March 31, 1985, the creditor need not provide the right to rescind at the time of each individual credit extension made under a secured open-end credit plan, if the extensions are made in accordance with a previously established credit limit for the plan. After March 31, 1985, the consumer will have the right to rescind each subsequent extension made under an open-end credit plan secured by the consumer's principal dwelling. Extensions of credit made prior to March 31, 1985, will not be affected by the subsequent rescission rights.

5. *Security interest arising from transaction.* The security interest must be retained as part of the credit transaction, as in the following examples:

- A security interest is acquired by a contractor who is also extending the credit in the transaction.
- A mechanic's lien or materialmen's lien retained by a subcontractor or supplier of a contractor-creditor even when the latter has waived its own security interest in the consumer's home.

The security interest is not retained as part of the credit transaction in the following cases:

- If a materialmen's mechanic's lien is obtained by a contractor who is not a party to the credit transaction but merely receives the proceeds of the consumer's cash advance.
- If all security-interests that may arise in connection with the credit transaction are validly waived.
- If the creditor obtains a lien and completion bond that has the effect of automatically satisfying all liens against the consumer's dwelling as a result of the credit transaction.

Although liens arising by operation of law are not considered security interests for disclosure purposes under § 226.2, that section specifically includes them in the definition for purposes of the right of rescission. Thus, even though an interest in the consumer's dwelling is not a required disclosure under § 226.6(c), it may still give rise to the right of rescission.

6. *Consumer.* The right of rescission runs to any consumer whose principal dwelling is subject to the security interest. To be a "consumer" within the meaning of § 226.2, that person need not be a signatory to the credit agreement, but must at least have an ownership interest in the dwelling that would be encumbered by the creditor's security interest. For example, if one spouse enters into a secured plan without the participation of the other spouse, the latter is a "consumer" if the ownership interests of both spouses are subject to the security interest.

7. *Principal dwelling.* A dwelling, as defined in § 226.2, can include structures that are classified as personality under state law. For example, a transaction secured by a mobile home, trailer, or houseboat used as the consumer's principal dwelling may be rescindable. The structure must be the consumer's principal dwelling at the time of the credit transaction. Thus, a transaction secured by a second home that is not currently being used as the consumer's principal place of residence is not rescindable, even if the consumer intends to retire there sometime in the future. Similarly, a vacation home used as collateral—if it is not the consumer's principal dwelling—does not give rise to the right of rescission.

8. *Consumer's exercise of right.* The consumer's exercise of the right of rescission must be in writing but need not be on the form the creditor gives the consumer under paragraph (b). Whether notice of rescission is sent by mail, telegram, or other means, the time period for the creditor's performance under paragraph (d)(2) does not begin to run until the notice has been received. The creditor may designate an agent to

receive the rescission notice as long as the agent's name and address appear on the notice provided to the consumer under paragraph (b).

9. *Rescission period.* The period within which the consumer must exercise the right to rescind runs for three business days from the last of the following three events:

- The transaction that gives rise to the right of rescission.
- Delivery of all material disclosures that are relevant to the plan.
- Delivery of the required rescission notice.

For example, if an account is opened on June 1 and the disclosures and notice were given on May 31, the rescission period expires at midnight of the third business day after June 1. If the disclosures were given and the account opened on June 1 and the rescission notice given on June 3, the rescission right expires at midnight of the third business day after June 3. The consumer must have placed the rescission notice in the mail, filed it for telegraphic transmission, or delivered it to the creditor's place of business within that time in order to exercise the right.

10. *Material disclosures.* The creditor must provide sufficient information to satisfy the requirements of § 226.6 for the listed disclosures. A creditor may satisfy the requirement of providing the material disclosures by giving an initial disclosure statement that complies with the regulation. Failure to give the other required initial disclosures (such as the billing rights statement) does not prevent the running of the rescission period, although that failure may result in civil or administrative sanctions.

11. *Material disclosures—variable rate program.* For a variable rate program, the material disclosures would also include the required information on the circumstances under which a rate may increase, the limitations on the increase, and the effect of an increase.

12. *Unexpired right of rescission.* When the creditor has failed to take the action necessary to start the three-day rescission period running, the right to rescind automatically lapses on the occurrence of the earliest of the following three events:

- Three years after the transaction giving rise to the right of rescission.
- Transfer of all of the consumer's interest in the property.
- Sale of the consumer's interest in the property, including a transaction in which the consumer sells the dwelling and takes back legal title through a purchase money note and mortgage.

A partial transfer of the consumer's interest, such as an intra-family transfer bestowing co-ownership on a spouse, does not terminate the rescission right. Transfer of all the consumer's interest includes such transfers as bequests and gifts. Neither a sale of the property nor a transfer need be voluntary. For example, a foreclosure sale would terminate an unexpired right to rescind. As provided in § 125 of the act, the three-year termination limit may be extended by an administrative proceeding to enforce the provisions of this section.

13. Joint owners. If more than one consumer has the right to rescind a transaction, any one of them may exercise the right and cancel the transaction on behalf of all. For example, if a husband and wife have the right to rescind a transaction, either spouse acting alone may exercise the right and both spouses are bound by the rescission.

15(b) Notice of right to rescind.

1. Who receives notice. Each consumer entitled to rescind must be given:

- Two copies of the rescission notice.
- The material disclosures.

In a transaction involving joint owners, both of whom are entitled to rescind, both must receive the notices and disclosures. For example, if both spouses are entitled to rescind a transaction, each must receive two copies of the rescission notice and one copy of the disclosures. If an agent is acting for the consumer, the creditor need only deliver the material to the agent, so long as state agency law precludes the consumer from acting on his or her own behalf in such circumstances. If state law does not prevent consumers/principals from acting on their own behalf, then the creditor must deliver the material to both the consumer and the agent.

2. Format. The information required by the rescission notice may be on a notice that is physically separated from the material disclosures or combined with the material disclosures, as long as the information is set forth in a clear and conspicuous manner. The notices in Appendix G provide models that creditors may use in giving notice, but their use is not required. Creditors may substitute other forms.

3. Content. The notice must include all of the information outlined in paragraphs (b)(1) through (b)(5). The requirement in paragraph (b)(5) that the transaction be identified may be met by providing the date of the transaction. The notice may include additional information related to the required information, such as:

- A description of the property subject to the security interest.
- A statement that joint owners may have the right to rescind and that a rescission by one is effective to all.
- The name and address of an agent of the creditor to receive notice of rescission.

4. Time of providing notice. The notice required by paragraph (b) need not be given before the event giving rise to the right of rescission. The creditor may deliver the notice after the event occurs, but the rescission period will not begin to run until the notice is given. For example, if the creditor provides the notice on May 15, but disclosures were given and the credit limit was raised on May 10, the three-business-day rescission period will run from May 15. The creditor must also delay performance for a reasonable time after that period.

15(c) Delay of creditor's performance.

1. General. During the three-day rescission period and for a reasonable time thereafter, the creditor may not, either directly or through a third party:

- Disburse advances to the consumer.
- Begin performing services for the consumer.
- Deliver materials to the consumer.

2. Escrow. The creditor may disburse advances during the rescission period in a valid escrow arrangement. The creditor may not, however, appoint the consumer as "trustee" or "escrow agent" and distribute funds to the consumer in that capacity during the delay period.

3. Permissible actions. Nothing in the provision prevents a creditor from taking other steps during the delay, short of beginning actual performance. These actions may include:

- Preparation of the cash advance check.
- Perfection of the security interest.
- Accruing finance charges during the delay period.

4. Performance by third party. The creditor is relieved from liability for failure to delay performance if a third party with no knowledge that the rescission right has been activated provides materials or service, as long as any debt incurred for materials or services obtained by the consumer during the rescission period is not secured by the security interest in the consumer's dwelling. A third party might provide materials, for example, when the consumer makes a credit card purchase below a merchant's floor limit and the card issuer is not contacted for authorization.

5. Delay beyond rescission period. The creditor must wait until it is

"reasonably satisfied" that the consumer has not rescinded. The creditor may reasonably assure itself by:

- Waiting a reasonable number of days after expiration of the rescission period to allow for delivery of a mailed notice.
- Obtaining a written statement from the consumer that the right has not been exercised.

If more than one consumer has the right to rescind, the creditor cannot reasonably rely on the assurance of one consumer only, since other consumers may exercise the right.

15(d) Effects of rescission.

1. Termination of security interest. Any security interest giving rise to the right of rescission becomes void when the consumer exercises that right. The rule operates automatically to negate the security interest, regardless of its status and whether or not it was recorded or perfected. Under paragraph (d)(2), however, the creditor must take any action necessary to reflect the fact that the security interest no longer exists.

2. Extent of termination. Only that portion of the creditor's security interest related to the rescindable transaction becomes void. For example, upon rescission:

- If the consumer's right to rescind was activated by the opening of a plan, any security interest in the dwelling provided for in the plan is void.
- If the right arises due to an increase in the credit limit, the interest is void as to purchase and advances under the increase, but the security interest up to the original limit is unaffected.
- If the right arises with each individual credit extension, then the interest is void as to that extension, and other extensions are unaffected.

3. Refunds to consumer. The consumer cannot be required to pay any amount in the form of money or property either to the creditor or to a third party as part of the credit transaction. Any amounts of this nature already paid by the consumer must be refunded. Any amount includes finance charges already accrued, as well as other charges such as application and commitment fees or fees for a title search or appraisal, whether paid to the creditor, paid directly to a third party, or passed on from the creditor to the third party. The fact that these amounts may not represent profit to the creditor is irrelevant. For example:

- If the transaction is the opening of the plan, the creditor must return any membership or application fee paid.

- If the transaction is the increase in a credit limit or the addition of a security interest, the creditor must return any fee imposed for a new credit report or filing fees.
- If the transaction is a credit extension, the creditors must return fees such as application, title, and appraisal or survey fees, as well as any finance charges related to the credit extension.

4. *Amounts not refundable to a consumer.* A creditor need not return money given by the consumer to a third party outside of the credit transaction, such as costs incurred for a building permit or for a zoning variance. Similarly, the term "any amount" does not apply to money or property given by the creditor to the consumer; those amounts must be tendered by the consumer to the creditor under paragraph (d)(3).

5. *Reflection of security interest termination.* The creditor must take whatever steps are necessary to show the termination of the security interest. Such steps include the cancellation of documents creating the interest, and the filing of release or termination statements in the public records. In a transaction involving subcontractors or suppliers that also hold interests related to the credit transaction, the creditor must insure that the termination of their interests is also reflected. The 20-day period for the creditor's action refers to the time within which the creditor must begin the process. It does not require all necessary steps to have been completed within that time, but the creditor is responsible for seeing the process through to completion.

6. *Property exchange.* Once the creditor has fulfilled its obligation under paragraph (d)(2), the consumer must tender to the creditor any money or property the creditor has already delivered to the consumer. At the consumer's option, property may be tendered at the location of the property but money must be tendered at the creditor's place of business.

- A cash advance is considered money for purposes of this section even if the creditor knows what the consumer intends to purchase with the money.
- In a three-party open-end plan (that is, if the creditor and seller are not the same or related persons), extensions by the creditor that are used by the consumer for purchases from third party sellers are considered to be the same as cash advances for purposes of tendering value to the creditor, even though the transaction is a purchase for other purposes under the regulation. For example, if a consumer

exercises the unexpired right to rescind after using a three-party credit card for one year, the consumer would tender the amount of the purchase price for the items charged to the account, rather than tendering the items themselves to the creditor.

7. *Reasonable value.* Rather than returning the property itself, the consumer may offer the creditor its reasonable value, if returning the property would be extremely burdensome to the consumer. For example, if building materials have already been incorporated into the consumer's dwelling, the consumer may pay their reasonable value instead.

8. *Modifications.* The procedures outlined in paragraph (d)(2) and (d)(3) may be modified by a court. This could apply, for example, to a situation where a consumer is in bankruptcy proceedings and may be prohibited from returning anything to the creditor, or any situation where the equities dictate that a modification should be made.

15(e) *Consumer's waiver of right to rescind.*

1. *Need for waiver.* To waive the right to rescind, the consumer must have a bona fide personal financial emergency that must be met before the end of the three-day period. While the consumer must initially determine whether a personal financial emergency exists, the "bona fide" test requires creditors to assure themselves that the reasons given for the waiver or modification are substantial and credible. The existence of the consumer's waiver will not, of itself, automatically insulate the creditor from liability for failing to provide the rescission right.

2. *Procedure.* To waive or modify the right to rescind, the consumer must give a written statement that both specifically waives or modifies the right and includes a brief description of the emergency. Each consumer entitled to rescind must sign the waiver statement. Therefore, in a transaction involving multiple consumers, such as a husband and wife using their home as collateral, the waiver must bear the signatures of both spouses. However, depending on state agency law, a waiver or modification may be executed by a duly appointed agent acting under a valid power of attorney.

15(f) *Exempt transactions.*

1. *Residential mortgage transaction.* Although residential mortgage transactions would seldom be made on bona fide open-end credit plans (under which repeated transactions must be reasonably contemplated), an advance on an open-end plan could be for a downpayment for the purchase of a

dwelling. In such a case, only that particular advance would be exempt from the rescission right that is provided in this paragraph.

2. *Bridge loans.* A bridge loan to purchase another dwelling but secured by the consumer's equity in the consumer's current principal dwelling is rescindable. For example, a homeowner may seek to purchase a new home prior to the sale of the current residence, and obtain an advance secured by the equity in the current residence. In such a case, although the funds are used to acquire a dwelling, the proceeds of that loan are not secured by that dwelling but by the consumer's equity in the present residence.

3. *State creditors.* Cities and other political subdivisions of states acting as creditors are not exempted from this section.

4. *Spreader clause.* When the creditor holds a mortgage or deed of trust on the consumer's principal dwelling and that mortgage or deed of trust contains a "spreader clause," subsequent credit extensions are subject to the right of rescission. Such extensions are rescindable unless the creditor effectively waives its security interest under the spreader clause with respect to the subsequent transactions.

References

Statute: §§ 113, 125, and 130.

Previous regulation: § 226.9.

Other sections: §§ 226.2, 226.23, 226.25, and Appendix G.

1981 changes: This section reflects the statutory amendments of 1980. It provides for a limited right of rescission for a three-year trial period when individual credit extensions are made in accordance with a previously established credit limit for an open-end credit plan. The rescission right arises only when a security interest is taken in property used as the consumer's principal dwelling at the time the security interest is retained, rather than also including property expected to be used as a consumer's principal dwelling in the future. The rescission right applies to the consumer's principal dwelling even if the dwelling is not characterized as real property under relevant state law. It does not apply to any "residential mortgage transaction," regardless of the lien status of the security interest taken.

Under the property exchange provisions, the regulation extends from 10 to 20 days the time in which the creditor must return a consumer's money or property and take necessary action to terminate the security interest. It also extends from 10 to 20 days the

time the creditor has to take possession of money or property tendered by the consumer. The regulation also reflects the amended statute in providing that a court may modify exchange procedures outlined in the regulation.

Section 226.16—Advertising.

1. *Coverage.* An advertisement includes any commercial message in any communication medium that promotes, directly or indirectly, any consumer credit transaction. Responsibility for complying with the advertising rules is not limited to creditors but includes any advertiser. Thus, brokers, merchants and others who are not themselves extenders of credit are bound by these rules when they advertise credit terms.

2. *Media.* These rules apply to advertisement of credit terms using any media including radio and television advertisements. A promotional letter sent to prospective customers may qualify as an advertisement; however, educational material containing hypothetical transactions that could not reasonably be construed as an offer of credit is not an advertisement. The media through which advertisements are disseminated are not liable for violations of these provisions.

3. *Clear and conspicuous standard.* This section is subject to the general "clear and conspicuous" standard for this subpart but prescribes no specific rules for the format of the necessary disclosures. The credit terms need not be printed in a certain type size nor need they appear in any particular place in the advertisement.

16(a) Actually available terms.

1. *General rule.* To the extent an advertisement mentions "specific credit terms" it may state only those terms that the creditor is actually prepared to offer. For example, a creditor may not advertise a very low annual percentage rate that will not in fact be available at any time. This provision is not intended to inhibit the promotion of new credit programs, but to bar the advertising of terms that are not and will not be available. Thus a creditor may advertise terms that will be offered for only a limited time, or terms that will become available at a future date.

2. *Specific credit terms.* The specific terms to which this rule applies are not limited to those that must be disclosed under §§ 226.6 or 226.7, but would include specific components of a credit plan such as the minimum amount of periodic payments, or points in a plan secured by real estate. This disclosure in an advertisement of a minimum periodic payment is not a triggering term.

16(b) *Advertisement of terms that require additional disclosures.*

1. *Must state positive terms.* An advertisement must state a credit term as a positive number in order to trigger additional disclosures. For example, "no annual membership fee" would not trigger the required additional disclosures.

2. *Term may be implicit.* This provision applies even if the triggering term is not stated explicitly, but may be readily determined from the advertisement. For example, a statement that "the equity in your home becomes spendable with an XYZ line of credit" implicitly states that the creditor will take a security interest in the consumer's home.

3. *Membership fees.* The requirement that any membership fee be disclosed under this section does not extend to those situations where such a fee is required for participation in the plan whether or not an open-end credit feature is attached. See § 226.6(b) of this commentary for further discussion of this point.

16(c) Catalogs and multiple-page advertisements.

1. *General rule.* The multiple-page advertisements to which this section refers are advertisements consisting of a series of sequentially numbered pages, for example, a supplement to a newspaper. Thus, a mailing consisting of several separate flyers or pieces of promotional material in a single envelope does not constitute a single multiple-page advertisement for purposes of this paragraph.

2. *Cross-referencing credit terms.* These forms of commercial messages will be considered single advertisements (requiring a single set of credit cost disclosures) if the advertisement contains a table, chart, or schedule clearly stating sufficient information for the consumer to determine the disclosures required under § 226.6. In addition to the table, chart or schedule, any mention of a triggering term elsewhere in the catalog or multiple-page advertisement must clearly refer to the specific page where the table, chart, or schedule begins. This rule permits creditors to put credit information together in one place in a catalog or multiple-page advertisement, so long as the information reflects the range of credit transactions actually offered. The rule applies only if the catalog or multiple-page advertisement contains one or more of the disclosures set forth in § 226.6. A list of different annual percentage rates applicable to different balances, for example, would not trigger further disclosures under paragraph (b) and so would not be covered by paragraph (c).

2. *Representative examples of typical extensions of credit.* A table or schedule must reflect amounts of credit actually offered, up to and including the higher-priced items. This does not mean the chart must make disclosures for the single most expensive item the advertiser offers, but only that the chart cannot be limited to information about less expensive sales when the advertiser commonly offers a distinct level of more expensive goods or services. The range of transactions shown in the table or schedule in a particular catalog or multiple page advertisement need not exceed the range of transactions actually offered in that advertisement.

References

Statute: §§ 141, 143.

Previous regulation: § 226.10 (a), (b), and (c).

Other sections: §§ 226.2, 226.6.

1981 changes: The section substantially restates the prior regulation, but reflects the statutory changes to § 143 of the act which reduce both the triggering terms and the additional disclosures required by the use of those terms. Membership or participation fees are included among the additional disclosures required when a trigger term is used. The substance of Board Interpretation § 226.1002, requiring disclosure of representative amounts of credit in catalogs and multiple-page advertisements, has been incorporated in simplified form in paragraph (c).

Subpart C—Closed-End Credit

Section 226.17—General disclosure requirements.

17(a) Form of disclosures.

1. *Clear and conspicuous.* This standard requires that disclosures be in a reasonably understandable and usable form. For example, while the regulation requires no particular mathematical progression or format, the disclosures must be presented in a way that does not obscure the relationship of the terms to each other. In addition, although no minimum type size is mandated, the disclosures must be legible, whether typewritten, handwritten, or printed by computer.

2. *Segregation of disclosures.* The disclosures may be grouped together and segregated from other information in a variety of ways. For example, the disclosures:

- May appear on a separate sheet of paper.
- May be set off from other information on the contract document by outlining them in a box.

- May be separated from the contract provisions with bold print dividing lines, a different color background, or a different style of type.

3. *Location.* The segregated disclosures may appear on a separate disclosure statement or on the front or back of another document, such as the contract or note. They need not appear entirely on one page, and may begin on one page and continue on the next.

4. *Directly related.* The segregated disclosures may not be accompanied by any information that is not "directly related" to those disclosures. This means that they may not include any information beyond that called for by § 226.18, even if the information elaborates on a required disclosure, such as:

- A description of the type of security interest taken in the transaction.
- An explanation of the type of rebate method applied in the event of prepayment.
- Specific conditions for imposition of a prepayment penalty.

5. *Permissible additions.* Footnote 37 permits the following items to appear with the segregated disclosures, even though not "directly related" to those disclosures:

- An acknowledgment of receipt.
- The date of the transaction.
- The consumer's name, address and account number.

6. *Segregation exceptions.* The itemization of the amount financed under § 226.18(c) must appear separate from the segregated disclosures. It may appear on a separate document or on the same document as the segregated disclosures, so long as it is not included in the area reserved for those disclosures. The following disclosures may appear with the other disclosures or elsewhere, at the creditor's option:

- The creditor's identity.
- The variable rate example.
- Credit life or property insurance premiums.
- Certain security interest charges.

7. *More conspicuous.* The terms "finance charge" and "annual percentage rate" must be shown more conspicuously only in relation to the other disclosures required by § 226.18. For example, where the disclosures are included on the contract document, those two terms need not be more conspicuous as compared to the heading on the contract document or information required by state law. In addition, those terms need not be made more conspicuous except as part of the finance charge and annual percentage rate disclosures under §§ 226.18(d) and

(e). The term need not be highlighted when used as part of other required disclosures, such as a prepayment penalty under § 226.18(k) or a required deposit under § 226.18(r). The terms may be made more conspicuous in any way that highlights them in relation to the other required disclosures. For example, they may be:

- Underlined.
- Printed in a contrasting color.
- Printed in larger type.
- Set off with asterisks.
- Printed in capital letters when other disclosures are printed in capital and lower case.

8. *Creditor's identity.* An exception to the "more conspicuous" rule is made for disclosure of the creditor's identity. Even though it is a required disclosure, the creditor's name may be more prominently displayed than the finance charge and annual percentage rate, so long as those two terms are more conspicuous than the remaining disclosures.

17(b) Time of disclosures.

1. *Consummation.* As a general rule, disclosures must be made before "consummation" of the transaction, the time at which the consumer becomes contractually liable on the credit obligation, as determined by applicable law. The payment of a nonrefundable fee prior to that time does not constitute consummation unless this legally obligates the consumer on the credit transaction. The disclosures need not be given by any particular time before consummation, except in certain mortgage transactions under § 226.19.

17(c) Basis of disclosures and use of estimates.

1. *Legal obligation.* The creditor must base its disclosures on the terms of the legal obligation between the parties. Normally, that obligation is reflected in a single note or contract. In some cases, however, an agreement between the creditor and a third party or between the consumer and a third party appears to affect the terms of the obligation. For example, a consumer and a creditor agree to a mortgage loan with an interest rate of 15%, which is reflected in the note between the parties. In a separate agreement with the consumer, the seller of the property agrees to subsidize the consumer's payments for the first two years, giving the consumer an effective rate of 12% for that period. The note between the creditor and consumer does not refer to or reflect the seller agreement in any way and the consumer is legally bound to the 15% rate for the entire term. In this case, the subsidy is not part of the legal obligation between the consumer and the creditor;

the disclosures must reflect the 15% rate only.

2. *Obligation reflected in multiple documents.* While the legal obligation is normally embodied in a single note or contract, in rare circumstances the parties may have agreed to two separate obligations that between them reflect a single legal obligation. For example, in a mortgage transaction, the lender and consumer agree to a note specifying a 14% interest rate. However, in a separate document signed by both parties, the consumer agrees to pay four points to the lender at consummation, in return for a reduction in the interest rate to 12% for a portion of the mortgage term. If the "buy-down" agreement forms part of a single legal obligation, overriding any conflicting provisions in the note, it must be reflected in the disclosures given for the mortgage.

3. *Modification of obligation.* If the parties informally agree to a modification of the legal obligation, the modification should not be reflected in the disclosures unless it rises to the level of a change in the terms of the legal obligation. For example, disclosures should reflect the schedule of monthly payments specified in the written contract, even though payments are actually made on a voluntary payroll deduction plan or an informal principal reduction agreement. Similarly, a creditor whose written contract calls for regular monthly payments may not reflect in its disclosures that it customarily permits consumers to defer payments from time to time, such as over holiday seasons or to reflect seasonal employment.

4. *Basis for estimates.* Disclosures may be estimated if the exact information is unknown at the time disclosures are made. The estimates must be made on the basis of the best information reasonably available at the time the disclosures are made. The "reasonably available" standard requires that the creditor, acting in good faith, exercise due diligence in obtaining information. For example, the creditor must at a minimum utilize generally accepted calculation tools, but need not invest in the most sophisticated computer program to make a particular calculation. The creditor normally may rely on the consumer's representations as to the time of consummation and the amount to be financed, subject to factors in the creditor's control. The creditor may utilize estimates in making disclosures even though the creditor knows that more precise information will be available by the point of consummation. However, new

disclosures may be required under § 226.17(f) or § 226.19.

5. *Labelling estimates.* Estimates must be designated as such in the segregated disclosures. Generally, only the particular disclosure for which the exact information is unknown is labelled as an estimate. However, where several disclosures are affected because of the unknown information, the creditor has the option of labelling either every affected disclosure or only the disclosure primarily affected. For example, when the finance charge is unknown because the date of consummation is unknown, the finance charge is labelled as an estimate. The creditor may also label as estimates the total of payments and the payment schedule. No further explanation of the basis for the estimates may be included with the segregated disclosures, although an explanation may appear as additional information apart from the disclosures.

6. *Minor variations.* Paragraph (c)(3) allows creditors to disregard certain factors in making disclosures. These factors produce very slight variations in disclosed terms and taking account of those variations may create substantial computation difficulties.

- Creditors may ignore the effects of collecting payments in whole cents. Since payments cannot be collected in fractional cents, it is often difficult to amortize exactly an obligation with equal payments; the amount of the last payment must often be adjusted slightly to account for the rounding of the other payments to whole cents.
- Creditors may ignore the fact that payments scheduled for a day they are not open must be made on a different day.
- Creditors may base their disclosures on calculation tools that assume that all months have an equal number of days, even if their practice is to take account of the variations in months for purposes of collecting interest.
- Creditors may ignore the fact that leap years contain an extra day.

7. *Payment schedule irregularities.*

When one or more payments in a transaction differ from the others because of a long or short first period, the variations may be ignored in disclosing the payment schedule, finance charge, annual percentage rate, and other terms. For example, a 36-month auto loan might be consummated on June 8 with payments due on July 1 and the first of each succeeding month. The creditor may base its calculations on a payment schedule that assumes 36 equal intervals and 36 equal installment payments, even though a precise

computation would produce slightly different amounts on account of the shorter first period. By contrast, in the same example, if the first payment were not scheduled until August 1, the irregular first period would exceed the limits in paragraph (c)(4); the creditor could not use the minor irregularity rule and would have to take account of the long odd days in the first period in calculating its disclosures.

8. *Measuring odd periods.* In determining whether a transaction may take advantage of the rule in paragraph (c)(4), the creditor must measure the variation against a regular period, which is the most common payment interval in the transaction. In measuring the length of that period, the creditor looks to the next regular period following the irregularity and, as a general rule, measures it based on the actual number of days. In transactions involving payment intervals of a month, semimonth, or multiple of a month, however, the creditor may use either the actual number of days or an assumed 30-day month in measuring the regular and irregular periods.

9. *Demand disclosures.* Disclosures for demand obligations are to be based on an assumed one-year term, unless an alternate maturity date is stated in the legal obligation. Whether an alternate maturity date is stated in the legal obligation is determined by applicable law. An alternate maturity date is not inferred from an informal principal reduction agreement or a similar understanding between the parties. However, where the note itself specifies a principal reduction schedule (for example, "payable on demand or \$2,000 plus interest quarterly"), an alternate maturity is stated and disclosures must reflect that date.

10. *Future event as maturity date.* An obligation whose maturity date is determined by a future event is not a demand obligation. For example, a loan may be payable on the sale of property. Since no demand feature is contained in the obligation, demand disclosures under § 226.18(i) are inapplicable. The disclosures should be based on the creditor's estimate of the time at which the specified event will occur.

11. *Demand transactions.* Most demand transactions contain a demand feature which may be exercised at any point during the term, but certain transactions convert to a demand feature only after a fixed period. For example, in states prohibiting due-on-sale clauses, the Federal National Mortgage Association (FNMA) requires mortgages that it purchases to include a call option rider that may be exercised after seven years. These mortgages are

generally written as long-term obligations, but contain a demand feature which may only be exercised within a thirty-day period at seven years. The disclosures for these transactions should be based upon the legally agreed-upon maturity date. Thus, if a mortgage containing the seven-year FNMA call option is written as a twenty-year obligation, the disclosures should be based on the twenty-year term.

12. *Balloon mortgages.* Balloon payment mortgages, in which payments are based on a long-term amortization schedule but with a final payment due after a shorter term, are not demand obligations because no demand feature is provided in the contract. For example, a mortgage with a term of five years and a payment schedule based on twenty years would not be treated as a mortgage with a demand feature, in the absence of any contractual demand provisions.

13. *Number of transactions.* Paragraph (c)(6) provides flexibility for handling transactions that have, or may have, multiple stages. For example:

- When a creditor finances the credit sale of a radio and a television on the same day, the creditor may disclose the transactions as either one or two credit sale transactions.
- When a creditor finances a loan along with a credit sale of health insurance, the creditor may disclose in one of several ways: a single credit sale transaction, a single loan transaction, or a loan and a credit sale transaction.
- The separate financing of a downpayment in a credit sale transaction may but need not be disclosed as two transactions (a credit sale and a separate loan for the downpayment).

14. *Series of advances.* Paragraph (c)(6)(i) deals with a series of advances under an agreement to extend credit up to a certain amount. A creditor may treat all of the advances as a single transaction or disclose each advance as a separate transaction. If these transactions are treated as one transaction and the timing and amounts of advances are unknown, creditors must make disclosures based on estimates, as provided in paragraph (c)(2).

15. *Construction loans.* Paragraph (c)(6)(ii) provides a flexible rule for disclosure of construction loans that may be permanently financed. These transactions have two distinct phases, similar to two separate transactions. The construction loan may be for initial construction or subsequent construction,

such as rehabilitation or remodeling. The construction period usually involves several disbursements of funds at times and in amounts that are unknown at the beginning of that period and the consumer generally pays only accrued interest until construction is completed. Unless the obligation is paid at that time, the loan then converts to permanent financing in which the loan amount is amortized just as in a standard mortgage transaction. Paragraph (c)(6)(ii) permits the creditor to give either one combined disclosure for both the construction financing and the permanent financing, or a separate set of disclosures for the two phases. This rule is available whether the consumer is initially obligated to accept construction financing only or is obligated to both construction and permanent financing from the outset. If the consumer is obligated on both phases and the creditor chooses to give two sets of disclosures, both sets must be given to the consumer initially, because both transactions would be consummated at that time.

16. Multiple-advance construction loans. Paragraph (c)(6)(i) and (ii) are not mutually exclusive. For example, in a transaction that finances the construction of a dwelling that may be permanently financed by the same creditor, the construction phase may consist of a series of advances under an agreement to extend credit up to a certain amount. In these cases, the creditor may disclose the construction phase as either one or more than one transaction and also disclose the permanent financing as a separate transaction.

17. Wrap-around financing. "Wrap-around" loans involve a creditor's "wrapping" the outstanding balance on an existing loan and advancing additional funds to a borrower. The borrower makes a single payment to the new creditor, who makes the payments on the pre-existing loan to the original creditor. Wrap-around loans are considered new transactions, with the disclosures made as they would be for a refinancing.

17(d) Multiple creditors; multiple consumers.

1. Multiple creditors. If a credit transaction involves more than one creditor, the creditors must choose which of them will make the complete set of disclosures. Regardless of the arrangement made between creditors, each creditor in the transaction is legally responsible for seeing that the disclosures are provided and any one of them may be subject to liability for violations. When one of the creditors is a seller, the creditor making the

disclosures must make credit sale disclosures, even though the disclosing creditor is not the seller. For example, when an automobile dealer and a bank financing the sale of a car both meet the creditor definition, the total sale price under § 226.18(j) must be disclosed, even though the creditors have agreed that the non-seller bank will make the disclosures.

2. Multiple consumers. If a credit transaction involves more than one consumer, the disclosures may be given to any consumer who is primarily liable on the obligation. Thus, when two consumers are joint obligors on an obligation, the disclosures may be given to either one of them. If one consumer is merely a surety or guarantor, the disclosures must be given to the principal debtor. In rescindable transactions, however, separate disclosures must be given to each consumer who has the right to rescind under § 226.23. Whether delivery of disclosures to a consumer's attorney or other representative is sufficient is a matter of applicable agency law.

17(e) Effect of subsequent events.

1. Subsequent events. A disclosure that is made inaccurate because of an event occurring after the transaction is consummated is not in itself a violation of the regulation. But the creditor may be required to give the consumer updated disclosures, as outlined in §§ 226.17(f), 226.19 and 226.20.

17(f) Early disclosures.

1. Change in rate. No redisclosure is required for changes that occur between the time disclosures are made and consummation, unless the annual percentage rate in the consummated transaction exceeds the limits prescribed in the regulation ($\frac{1}{2}$ of 1 percentage point in regular transactions and $\frac{1}{4}$ of 1 percentage point in irregular transactions). To illustrate:

- If disclosures are delivered in a regular transaction on July 1, the transaction is consummated on July 15, and the actual APR varies by more than $\frac{1}{2}$ of 1 percentage point from the disclosed APR, then the creditor must either redisclose the changed terms or furnish a complete set of new disclosures before consummation. This is true even if the disclosures made on July 1 are based on estimates and marked as such.

2. Variable rate. The addition of a variable rate feature to the credit terms, after early disclosures are given, requires new disclosures.

3. Special rules. In certain residential mortgage transactions, the creditor must redisclose if, between the delivery of the required early disclosures and

consummation, the annual percentage rate changes by more than a stated tolerance. Where subsequent events occur after consummation, new disclosures are required only if there is a refinancing or an assumption within the meaning of § 226.20.

17(g) Mail or telephone orders—delay in disclosures.

1. Conditions for use. When the creditor receives a mail or telephone request for credit, the creditor may delay making the disclosures until the first payment is due if the following conditions are met:

- The credit request is initiated without face-to-face or direct telephone solicitation. (Creditors may, however, use the special rule when credit requests are solicited by mail.)
- The creditor has supplied the specified credit information about its credit terms either to the individual consumer or to the public generally. That information may be distributed through advertisements, catalogs, brochures, special mailers, or similar means.

2. Insurance. The location requirements for the insurance disclosure under § 226.18(n) permit them to appear apart from the other disclosures. Therefore, a creditor may mail an insurance authorization to the consumer and then prepare the other disclosures to reflect whether or not the authorization is completed by the consumer. Creditors may also disclose the insurance cost on a unit-cost basis, if the transactions meet the requirements of paragraph (g).

17(h) Series of sales—delay in disclosures.

1. Applicability. The creditor may delay the disclosures for individual credit sales in a series of such sales until the first payment is due on the current sale, assuming the conditions in paragraphs (h)(1) and (h)(2) are met. If those conditions are not met, the general timing rules in § 226.17(b) apply.

17(i) Interim student credit extensions.

1. Definition. Student credit plans involve extensions of credit for education purposes where the repayment amount and schedule are not known at the time credit is advanced. Creditors in interim student credit extensions need not disclose certain items at the time the credit is actually extended, but must make complete disclosures (except for total sale price) at the time the creditor and consumer agree upon the repayment schedule for the total obligation. At that time, a new

set of disclosures must be made of all applicable items under § 226.18.

2. *Basis of disclosures.* The disclosures given at the time of execution of the interim note should reflect two annual percentage rates, one for the interim period and one for the repayment period. Interest subsidies, such as payments made by either a state or the federal government on an interim loan, must be excluded in computing the annual percentage rate on the interim obligation, where the consumer has no contingent liability for payment of those amounts. A loan guarantee fee that is paid separately by the student at the outset or withheld from the proceeds of the loan is a prepaid finance charge. That sum is deducted from the loan proceeds to determine the amount financed and included in the calculation of the finance charge.

3. *Loan vs. credit sale.* The credit extended in these transactions may be in the form of a loan or a sale of goods or services. When the student receives the funds directly and may use them as the student sees fit for expenses related to attendance at the institution, loan disclosures are appropriate. Where the funds are credited to the student's account with the institution extending the credit and the student receives goods and services from that institution, the transaction is a credit sale.

4. *Consolidation.* Consolidation of the interim loans through a renewal note with a set repayment schedule is a refinancing within the meaning of § 226.20. Any unearned portion of the finance charge must be reflected in the new finance charge and is not added to the new amount financed.

References

Statute: §§ 121, 122, 124, and 128.

Other sections: §§ 226.2 and

Appendix H.

Previous regulation: §§ 226.6 and 226.8.

1981 changes: With a few exceptions, the disclosures must now appear apart from all other information, and may not be interspersed with that information. The disclosures must be based on the legal obligation between the parties, rather than any side agreement. The assumed maturity period for demand loans has been increased from six months to one year. Also, any alternate maturity date must be stated in the legal obligation rather than inferred from the documents. In multiple-advance transactions, a series of advances up to a certain amount and construction loans that may be permanently financed may be disclosed, at the creditor's option, as a single transaction or as several transactions. Appendix D is applicable

only to multiple advances for the construction of a dwelling, whereas its predecessor, Board Interpretation § 226.813, could be used for all multiple advance transactions. In the case of disclosures made before the date of consummation, the creditor need not provide updated disclosures at consummation unless the annual percentage rate has changed beyond certain limits.

Section 226.18—Content of disclosures.

General.

1. *As applicable.* The disclosures required by this section need be made only as applicable. Any disclosure not relevant to a particular transaction may be eliminated entirely. For example:

- In a loan transaction, the creditor may delete any disclosure of the total sale price.
- In a credit sale requiring disclosure of the total sale price under paragraph (j), the creditor may delete any reference to a downpayment where no downpayment is involved.

Where the amounts of several numerical disclosures are the same, the "as applicable" language also permits creditors to combine the terms, so long as it is done in a clear and conspicuous manner. For example:

- If in a particular transaction the amount financed equals the total of payments, the creditor may disclose "amount financed/total of payments," together with descriptive language, followed by a single amount.
- However, if the terms are separated on the disclosure statement and separate space is provided for each amount, both disclosures must be completed, even though the same amount is entered in each space.

2. *Appendix H.* The format to be used in making these disclosures, as well as acceptable modifications, is discussed in the commentary to Appendix H.

18(a) Creditor.

1. *Creditor identity.* The creditor making the disclosures must be identified. Use of the creditor's name is sufficient, but the creditor may at its option include an address or telephone number. As noted in the commentary to § 226.17(d), in transactions where there are multiple creditors, any one of them may make the disclosures; the one doing so must be identified.

18(b) Amount financed.

1. *Amount financed.* The net amount of credit extended must be disclosed using the term "amount financed" and a descriptive explanation similar to the phrase in the regulation. The descriptive explanation may be further revised to reflect a variable rate feature.

2. *Add-on or discount charges.* Under paragraph (b), all finance charges must be deducted from the amount of credit in calculating the amount financed. If the principal loan amount reflects finance charges that meet the definition of a prepaid finance charge in § 226.2, those charges would be included in the paragraph (b)(1) amount and deducted under paragraph (b)(3). However, if the principal loan amount includes finance charges that do not meet the definition of a prepaid finance charge (such as add-on or discount interest added to the face amount of the obligation), the amount referred to in paragraph (b)(1) must exclude those finance charges. The following examples illustrate the application of paragraph (b) to these types of transactions. Each example assumes a loan request of \$1000 for one year, subject to a 6% precomputed interest rate, with a \$10 loan fee collected at consummation.

- The creditor assesses add-on interest of \$60 which is added to the \$1000 in loan proceeds for an obligation with a face amount of \$1060. The principal for purposes of paragraph (b)(1) is \$1000; no amounts are added under paragraph (b)(2), and the \$10 loan fee (a prepaid finance charge) is deducted under paragraph (b)(3). The amount financed is \$990.
- The creditor assesses discount interest of \$60 and distributes \$940 to the consumer, who is liable for an obligation with a face amount of \$1000. The principal under paragraph (b)(1) is \$940, which results in an amount financed of \$930, after deduction of the \$10 prepaid finance charge under paragraph (b)(3).
- The creditor assesses \$60 in discount interest by increasing the face amount of the obligation to \$1060, with the consumer receiving \$1000. The principal under paragraph (b)(1) is thus \$1000 and the amount financed \$990, after deducting the \$10 prepaid finance charge under paragraph (b)(3).

3. *Downpayments.* "Downpayment" includes any pick-up payment that meets the § 226.2 definition of downpayment. A creditor has the option of treating a deferred downpayment as part of the downpayment if that deferred payment meets the criteria set forth in the definition. Deferred downpayments that are not treated as part of the downpayment (either because they do not meet the definition or because the creditor simply chooses not to treat them as downpayments) are included in the amount financed. Deferred downpayments that meet the definition and that are treated as such

are not part of the amount financed under paragraph (b)(1).

4. *Rebates and loan premiums.* In a loan transaction, the creditor may offer a premium in the form of cash or merchandise to prospective borrowers. Similarly, in a credit sale transaction, a seller's or manufacturer's rebate may be offered to purchasers of the creditor's goods or services. Amounts such as these need not be reflected in the amount financed but they may, at the creditor's option, be included in the Truth in Lending disclosures. If the creditor chooses to reflect them in the disclosures, rather than disregarding them, they may be treated in any manner. To illustrate, if a consumer decides to apply a seller's rebate to the price of the goods, the creditor may, for example, include the amount in the downpayment disclosed as part of the total sale price, although it need not reflect the rebate in the disclosures at all.

5. *Adding other amounts.* Paragraph (b)(2) refers to fees or other charges that are not part of the finance charge, to the extent that the consumer decides to finance them rather than pay them separately at consummation of the transaction. Typical examples are real estate settlement charges and premiums for voluntary credit life and disability insurance excluded from the finance charge under § 226.4. Paragraph (b)(2) does not include any amounts already accounted for under paragraph (b)(1), such as taxes, tag and title fees, or the cost or accessories or service policies that the creditor includes in the cash price.

6. *Prepaid finance charges.* Paragraph (b)(3) requires the deduction of any prepaid finance charge from the amount financed. This computational step should not duplicate any subtraction accounted for under paragraph (b)(1).

18(c) Itemization of amount financed.

1. *Creditor option.* A written itemization of the amount financed must be provided at the consumer's request. Creditors may provide a written itemization of the amount financed as a matter of course, without awaiting a request from the consumer. If the creditor chooses not to provide an itemization as a matter of course, the disclosures must include a statement of the consumer's right to receive the itemization.

2. *Categories.* The categories described in paragraph (c) provide general guidance for the information required by that paragraph.

- Each category may be further itemized.

- Categories need not be labelled using the specific language in paragraph (c).
- Categories are not mutually exclusive. At the creditor's option, an amount may be shown more than once in the itemization, so long as properly identified. For example, a credit report fee may be both a prepaid finance charge under paragraph (c)(1)(iv) and an amount paid to a third person under paragraph (c)(1)(iii).

3. Amounts paid to consumer.

Paragraph (c)(1)(i) encompasses funds given to the consumer in the form of cash or a check, as well as funds placed in an asset account. It may include money in an interest-bearing account even if that amount is considered a required deposit under paragraph (r). For example, in a transaction with total loan proceeds of \$500, the consumer receives a check for \$300 and \$200 is required by the creditor to be put into an interest-bearing account. Whether or not the \$200 is a required deposit, it is part of the amount financed. At the creditor's option, it may be broken out and labelled in the itemization of the amount financed.

4. *Amounts credited to consumer's account.* Paragraph (c)(1)(ii) includes amounts such as a credit sale balance with the creditor or an unpaid balance on a prior loan with that creditor. The term "consumer's account" refers only to a debt account and not to an asset account.

5. *Amounts paid to others.* Paragraph (c)(1)(iii) includes, for example, tag and title fees; amounts paid to insurance companies for credit life and disability insurance premiums; security interest fees, and amounts paid to credit bureaus, appraisers or public officials. Third parties must be identified by name, except as footnote 40 provides. Under that footnote, public officials or government agencies, credit reporting agencies, appraisers and insurance companies may be generically identified with phrases such as "credit bureau" or "state agency."

6. *Prepaid finance charge.* Paragraph (c)(1)(iv) requires disclosure of prepaid finance charges, as defined in § 226.2. The prepaid finance charges must be shown as a total amount but may, at the creditor's option, also be further itemized and described. All amounts must be reflected in this total, even if portions of the prepaid finance charge are also reflected elsewhere. For example, if at consummation the creditor collects interim interest of \$30 and a credit report fee of \$10, a total prepaid finance charge of \$40 must be shown. At the creditor's option, the credit report fee paid to a third party

may also be shown elsewhere as a paragraph (c)(1)(iii) amount. The creditor may also further describe the two components of the prepaid finance charge, although no itemization of this element is required by paragraph (c)(1)(iv).

7. *Additional information.* This paragraph establishes only a minimum standard for the itemization of the amount financed. The creditor may include information in the itemization reflecting payments that are not part of the amount financed. For example, certain insurance premiums that are paid by the consumer to the creditor may not be financed. At the creditor's option, more information may be included in the itemization, such as additional categories or a mathematical progression that depicts the arithmetic relationship of the terms. Appendix H contains a model form for the itemization of the amount financed.

8. *RESPA transactions.* The Real Estate Settlement Procedures Act (RESPA) requires creditors to provide good faith estimates of closing costs similar to the amount financed itemization. Transactions subject to RESPA are exempt from the requirements of paragraph (c), so long as the creditor complies with the good faith estimates requirement of RESPA.

18(d) Finance charge.

1. *Disclosure required.* The creditor must disclose the finance charge as a dollar amount, using the term "finance charge," and must include a brief description similar to that in paragraph (d). The creditor may further modify the descriptor for variable rate transactions. The finance charge may be shown on the disclosures only as a total amount; the elements of the finance charge may not be itemized in the segregated disclosures.

2. *Tolerance.* A tolerance for the finance charge is provided in footnote 41. The disclosed finance charge will be considered accurate if it is not more than \$5 above or below the exact finance charge in a transaction involving an amount financed of \$1,000 or less, or not more than \$10 above or below the exact finance charge where the amount financed exceeds \$1,000.

18(e) Annual percentage rate.

1. *Disclosure required.* The creditor must disclose the cost of the credit as an annual rate, using the term "annual percentage rate," plus a brief descriptive phrase comparable to that used in paragraph (e). For variable rate transactions, the descriptor may be further modified. Under § 226.17(b), disclosures of the annual percentage rate and finance charge must be more

conspicuous than the other required disclosures.

2. *Exception.* Footnote 42 calls attention to an exception for certain transactions involving maximum finance charges of \$5 or \$7.50 and amounts financed up to, or over, \$75, respectively. No annual percentage rate disclosure is required for these transactions.

18(f) *Variable rate.*

1. *Coverage.* The requirements of this paragraph apply to all transactions in which the credit contract allows the creditor to increase the rate originally disclosed to the consumer during the term of the loan. The provisions, however, do not apply to increases resulting from delinquency (including late payment), default, assumption, acceleration or transfer of the collateral.

2. *Basis for disclosures.* For transactions subject to the requirements of this paragraph the disclosures must be given for the full term of the transaction and must be based on the rate in effect at the time of consummation.

3. *Circumstances, limitations, effects.* The "circumstances," referred to in paragraph (f)(1), under which the rate may increase would include identification of any index to which the rate is tied, as well as any conditions or events on which the increase is contingent. The "limitations" called for by paragraph (f)(2) refer to any maximum imposed on the amount of an increase at any time, as well as any maximum on the total increase over the life of the transaction. They do not include legal limits in the nature of usury or rate ceilings under state or federal statutes or regulations. Disclosure of the effect of an increase under paragraph (f)(3) refers to an increase in the number or amounts of payments or an increase in the final payment.

4. *Hypothetical example.* The hypothetical increase required in paragraph (f)(4) must be given in all variable rate transactions. At the creditor's option, the disclosed hypothetical may be either general or transaction-specific—that is, the creditor may provide a standard example that represents the general type of credit offered by the creditor or an example that directly reflects the terms and conditions of the particular transaction. The model forms in Appendix H provide examples of the disclosures required by this paragraph.

5. *Other variable rate regulations.* Transactions in which the creditor is required to comply with and has complied with variable rate regulations of other federal agencies are exempt

from the requirements of this paragraph. Those regulations include the adjustable mortgage loan instrument regulation issued by the Federal Home Loan Bank Board (12 CFR Part 545.6-4(a)) and the adjustable-rate mortgage regulation issued by the Comptroller of the Currency (12 CFR Part 29).

6. *Examples of variable rate mortgages.* The following mortgage transactions constitute variable rate transactions:

- Renegotiable rate mortgage instruments that involve a series of short-term loans secured by a long-term mortgage, where the lender is obligated to renew the short-term loans at the consumer's option. At the time of renewal, the lender has the option of increasing the interest rate. Disclosures must be given for the term of the mortgage with all disclosures calculated on the basis of the rate in effect at the time of consummation of the transaction.
- "Shared equity" or "shared appreciation" mortgages that bear a fixed rate of interest and contingent interest based on the consumer's equity in the mortgage property. The contingent interest is payable in a lump sum at a specified time. Disclosures must be based on the fixed interest rate; the shared appreciation feature, including the conditions for its imposition, the time at which it would be collected, and the limitation on the creditor's share, must be described under paragraph (f). (As discussed in § 226.2, other types of shared-equity arrangements are not considered "credit" and are not subject to Regulation Z.)

Graduated payment mortgages and step-rate mortgages are not considered variable rate transactions.

18(g) *Payment schedule.*

1. *Amounts included in repayment schedule.* For purposes of this paragraph, the repayment schedule should reflect all components of the finance charge, not merely the portion attributable to interest. The payments may include amounts beyond the amount financed and finance charge. For example, the disclosed payments may, at the creditor's option, reflect certain insurance premiums where the premiums are not part of either the amount financed or the finance charge, as well as real estate escrow amounts such as taxes added to the payment in mortgage transactions.

2. *Demand obligations.* Under paragraph (g)(1), in demand obligations with no alternate maturity date, the creditor has the option of disclosing only the due dates or periods of scheduled

interest payments in the first year. A disclosure of "interest payable quarterly" or "interest due the first of each month" would satisfy the requirements of paragraph (g)(1). Other disclosures required by this paragraph need not be given for those transactions.

3. *Abbreviated disclosure.* Paragraph (g)(2) permits creditors to disclose an abbreviated payment schedule where the amount of each regularly scheduled payment (other than the first or last payment) includes an equal amount to be applied on principal and a finance charge computed by application of a rate to the decreasing unpaid balance. This option is also available where mortgage guarantee insurance premiums, included in the finance charge, create variations in the amount of the scheduled payments. The mortgage insurance premiums, paid either monthly or annually, cause variations in the amount of the payments scheduled, reflecting the annual decrease in the premium due. In the abbreviated payment schedule, the creditor must disclose the dollar amount of the highest and lowest payments and a reference to the variation in payments.

4. *Combined payment schedule disclosures.* Creditors may combine the paragraph (g)(2) option with the general payment schedule requirements in transactions where only a portion of the payment schedule meets the conditions of paragraph (g)(2). For example, in a graduated payment mortgage where payments rise sharply for five years and then decline over the 25 years because of decreasing mortgage insurance premiums, the first five years would be disclosed under the general rule in paragraph (g) and the next 25 years according to the abbreviated schedule in paragraph (g)(2).

5. *Effect on other disclosures.* Paragraph (g)(2) applies only to the payment schedule disclosure. The actual amounts of payments must be taken into account in calculating an disclosing the finance charge and the annual percentage rate.

6. *Downpayment/pickup payments.* As discussed in § 226.2, deferred downpayments or "pick-up payments" that meet the conditions set forth in the definition of downpayment may be created as part of the downpayment. Even if treated as a downpayment, that amount may nevertheless be disclosed as part of the payment schedule, at the creditor's option.

18(h) *Total of payments.*

1. *Calculation of total of payments.* The total of payments is the sum of the payments disclosed under paragraph (g). For example, if the creditor disclosed a

deferred portion of the downpayment as part of the payment schedule, that payment must be reflected in the total disclosed under this paragraph.

2. *Descriptor.* The descriptive phrase required for the total of payments may be revised to reflect a variable rate feature.

3. *Exception.* Footnote 44 permits creditors to omit disclosure of the total of payments in single-payment transactions. This exception does not apply to a transaction calling for a single payment of principal combined with periodic payments of interest.

4. *Demand obligations.* In demand obligations with no alternate maturity date, if the payment schedule is disclosed under paragraph (g)(1), the creditor is not required to disclose the total of payments.

18(i) Demand feature.

1. *Disclosure requirements.* In demand obligations where the disclosures are based on an assumed maturity of one year under § 226.17(c)(5), that fact must also be stated. The disclosure requirements of this provision apply not only to transactions payable on demand from the outset but also to transactions that are not payable on demand at the time of consummation but convert to a demand status after a stated period.

2. *Covered demand features.* The type of demand feature triggering the disclosures required by paragraph (i) is intended to include only those demand features contemplated by the parties as part of the agreement. For example, this provision does not apply to transactions which convert to a demand status as a result of the consumer's default.

3. *Relationship to payment schedule disclosures.* As provided in paragraph (g)(1), in demand obligations with no alternate maturity date, the creditor need only disclose the due dates or payment periods of any scheduled interest payments for the first year. If the demand obligation states an alternate maturity, however, the disclosed payment schedule must reflect that stated term; the special rule in paragraph (g)(1) is not available.

18(j) Total sale price.

1. *Disclosure.* In a credit sale transaction, the "total sale price" must be disclosed using that term along with a descriptive explanation similar to the one in the regulation. The figure to be disclosed is the sum of the cash price, other charges calculated under paragraph (b)(2), and the finance charge disclosed under paragraph (d). The reference to a downpayment may be eliminated in transactions calling for no downpayment.

18(k) Prepayment.

1. *Disclosure.* The disclosure requirements in paragraph (k) apply to any prepayment, whether voluntary or involuntary, as in the case of prepayments resulting from acceleration. If a penalty or refund is possible for any type of prepayment, even though not for all, a positive disclosure is required. Any difference in rebate or penalty policy, depending on whether prepayment is voluntary or not, may not be disclosed with the segregated disclosures.

2. *Penalty.* Paragraph (k)(1) includes only those transactions in which the interest calculation takes account of each reduction in principal. In simple interest transactions, the creditor must indicate either that prepayment is subject to a penalty, or that it is not. The term "penalty" as used here encompasses only those charges that are assessed strictly because of the prepayment in full of the obligation, as an addition to all other amounts. Items which are not penalties include:

- Prepaid finance charges assessed at the outset of the transaction, such as points in a mortgage loan.
- Use of Rule of 78's method to determine rebate.

However, a minimum finance charge in a simple interest transaction is a penalty.

3. Rebate of finance charge.

Paragraph (k)(2) applies to any finance charges that do not involve the application of a rate to a declining balance. It includes not only typical precomputed finance charges such as add-on rates, but also charges that take account of some but not all reductions in principal. For example, certain mortgage insurance premiums are assessed on the basis of an annual outstanding balance, although payments are made and principal reduced monthly. Thus, they are calculated on the basis of a declining annual principal balance, but they do not take into account each monthly reduction in principal. As in paragraph (k)(1), the creditor must indicate either that the consumer may or may not receive a rebate of finance charge upon prepayment. No description of the method of computing earned or unearned finance charges is required or permitted as part of the segregated disclosures under this section, although such information may be provided elsewhere in the contract.

4. *Rebate-penalty disclosure.* Some transactions involve both a precomputed finance charge and a finance charge computed by application of a rate to the unpaid balance. In these cases, disclosures about both prepayment rebates and penalties are

required. Examples of this type of transaction are simple interest student loans with loan guarantee insurance, and mortgages with mortgage guarantee insurance, if the insurance premiums are not computed strictly by application of a rate to a declining balance, disclosures under paragraph (k)(2) are required with regard to that portion of the obligation, while a prepayment penalty must be disclosed for the simple interest portion under paragraph (k)(1).

18(l) Late payment.

1. *Definition.* This paragraph refers only to charges added to individual delinquent installments by a creditor who otherwise considers the transaction ongoing on its original terms. Late payment charges do not include:

- The right of acceleration.
- Fees imposed for actual collection costs, such as repossession charges or attorney's fees assessed prior to maturity.
- Deferral and extension charges.
- The continued accrual of simple interest at the contract rate after the payment due date.

2. *Alternative disclosure.* Many state laws permit the assessing of late charges on the basis of a percentage, not to exceed a certain dollar limit. This alternative approach may be used in complying with paragraph (1). For example, stating that the charge in the event of a late payment is 5% of the late amount, not to exceed \$5.00, is sufficient.

18(m) Security interest.

1. *Purchase money transactions.* The property covered by the security interest must be identified. If the collateral is the item purchased as part of, or with the proceeds of, the credit transaction, paragraph (m) requires only a general identification such as "the property purchased in this transaction." Any transaction in which the credit is being used to purchase the collateral is considered a purchase money transaction and the more abbreviated property identification disclosure required for these types of transactions may be used, whether the obligation is considered a loan or a credit sale.

2. *Non-purchase money transactions.* In non-purchase money transactions, the property subject to the security interest must be identified by "item or type." This disclosure is satisfied by a general disclosure of the category of property subject to the security interest, such as "household goods," "motor vehicles," or "securities." At the creditor's option, however, a more precise identification of the goods may be provided.

3. *Mixed collateral.* In some transactions in which the credit is used to purchase collateral, the creditor may also take other property of the consumer as security. A combination of the general identification of the property purchased in the transaction, and more specific identification of the other collateral should be provided.

4. *After-acquired property.* After-acquired property clauses are not security interests and are not to be disclosed under paragraph (m).

5. *Spreader clause.* The fact that collateral for pre-existing credit with the institution is being used to secure the present obligation constitutes a security interest and must be disclosed. A specific identification of that collateral is unnecessary but a reminder of the interest arising from the prior indebtedness is required. The disclosure can be accomplished by language such as "collateral securing other loans with us may also secure this loan." At the creditor's option, a more specific description of the property involved may be given.

18(n) Insurance.

1. *Location.* This disclosure is one of four terms in § 226.18 that may appear apart from the other disclosures. It may appear with any other information, including the amount financed itemization, any information prescribed by state law, or other supplementary material. If this information is disclosed with the other segregated disclosures, however, no additional explanatory material may be included.

18(o) Certain security interest charges.

1. *Format.* No special format is required for these disclosures; under § 226.4(e), taxes and fees paid to government officials with respect to a security interest may be aggregated, or may be broken down by individual charge. Like the disclosures called for in paragraphs (a), (f), and (n) of this section, this disclosure is one of four which may appear, at the creditor's option, apart from the other required transactional disclosures.

18(p) Contract reference.

1. *Content.* Creditors may substitute, for the phrase "appropriate contract document," a reference to specific transaction documents in which the additional information is found, such as "promissory note" or "retail installment sale contract."

18(q) Assumption policy.

1. *Policy statement.* Since a creditor's assumption policy may be based on a variety of circumstances not determinable at the time the disclosure is made, the creditor may use phrases such as "subject to conditions" or under

certain circumstances" in complying with paragraph (q). The provision requires only that the consumer be told whether or not a subsequent purchaser might be allowed to assume the obligation on its original terms and does not contemplate any explanation of the criteria of conditions for assumability.

2. *Original terms.* "Original terms" for purposes of paragraph (q) would not preclude the imposition of an assumption fee, but a modification of the basic credit agreement, such as a change in the contract interest rate, would represent different terms.

18(r) Required deposit.

1. *Definition.* This provision requires creditors to inform consumers of the presence of a required deposit and its potential effect on the cost of credit, but eliminates the requirement that the deposit be included in calculation of the annual percentage rate. The footnote to this paragraph sets forth three types of deposits that need not be considered required deposits subject to the disclosure. Use of the phrase "need not" permits creditors to include the disclosure required by paragraph (r) even in cases where there is doubt as to whether the deposit constitutes a "required deposit" within the meaning of the paragraph.

2. *Escrow accounts.* The first exception is not limited to real estate transactions, nor is it restricted to escrows for taxes and insurance. For example, the escrow account may be for maintenance fees (such as condominium fees) or for repairs, as in the case of completion escrows.

3. *Savings accounts.* The second exception is for deposits that earn at least 5 per cent per year. Where the consumer receives more than nominal interest on the deposit, that amount need not be viewed as a required deposit. This exception applies whether the deposit is held by the creditor itself or by a third party.

4. *Morris Plan transactions.* The third exception is for Morris Plan transactions. This is a deposit balance that will be wholly applied toward satisfaction of the consumer's obligation in the transaction.

5. *Examples.* The following situations need not be treated as required deposits:

- Requirement that a borrower be a customer or a member even if there is a fee or a minimum balance involved.
- Deposits that are immediately available to the consumer.
- Required property insurance escrow on a mobile home transaction.
- Refund of interest when the obligation is paid in full.
- Escrow of condominium fees.

- Funds deposited with the creditor to be disbursed (for example, for construction) before the loan proceeds are advanced.
- Escrow of loan proceeds to be released when the repairs are completed.

This list is not intended to be all-inclusive but rather to give guidance in determining whether a deposit is a required deposit for purposes of this paragraph.

6. *Certificate of deposit.* "Loophole" accounts, where a portion of the funds necessary for the purchase of a certificate of deposit is advanced to the consumer by the issuing institution, are not required deposits. This assumes that the portion contributed by the consumer is subject to an interest rate of more than 5 percent.

References

Statute: § 128.

Other sections: §§ 226.2; 226.17, and Appendix H.

Previous regulation: §§ 226.4 and 226.8.

1981 changes: Five of the required disclosures must be explained to the consumer in a manner similar to the descriptive phrases shown in the regulation. A written itemization of the amount financed need not be provided unless the consumer requests it. The finance charge must be provided in all transactions, including real estate transactions. The finance charge may not and must not be itemized as part of the required disclosures. The disclosed finance charge is considered accurate if it is within the \$5 or \$10 tolerance provided according to the size of the transaction.

The variable rate hypothetical is required in all transactions and may be either general or transaction-specific. The penalty and rebate disclosures in the event of prepayment have been modified and combined. The requirement of an explanation of how the rebates or penalties are computed has been eliminated. The late payment disclosure has also been narrowed to include only late charges imposed before maturity, excluding deferral and extension charges.

The information required in the security interest disclosure has been decreased. The type of security interest is no longer required and the property description requirement has been reduced.

Two disclosure requirements have been added. The disclosures must refer to the contract documents for additional information not contained in the body of the disclosure. The creditor must

provide a general statement of its assumption policy in a residential mortgage transaction.

The disclosure of the required deposit is limited to a statement that the annual percentage rate does not reflect the required deposit. The required deposit no longer is used in the computation of the annual percentage rate.

Section 226.19—Certain residential mortgage transaction.

19(a) Time of disclosure.

1. *Coverage.* This section requires early disclosure of credit terms in residential mortgage transactions that are also subject to the Real Estate Settlement Procedures Act (RESPA) and its implementing Regulation X, administered by the Department of Housing and Urban Development (HUD). To be covered by this section, a transaction must be both a "residential mortgage transaction" under § 226.2 and a "federally related mortgage loan" under RESPA.

2. *Timing and use of estimates.* Truth in Lending disclosures must be given within three business days after the creditor's receipt of a consumer's written application or by consummation, whichever is earlier. The three-day period for disclosing credit terms coincides with the time period within which creditors subject to RESPA must provide good faith estimates of settlement costs. If a creditor does not know the precise credit terms, the creditor must base the disclosures on the best information reasonably available and indicate that the disclosures are estimates under § 226.17(c)(2). If all of the disclosures are estimates, the creditor may include a statement to that effect, instead of separately labelling each estimate. The creditor may provide on a separate document or on the same document (but separate from the required disclosures) explanatory material concerning the estimates and the contingencies that may affect the actual terms.

3. *Written application.* Creditors should look to RESPA and Regulation X (including any interpretations issued by HUD) in deciding whether a "written application" has been received. Depending on HUD interpretations, committing any information to writing may be enough to constitute a "written application"—for example, writing down information received by telephone from or about an applicant. But, subject to HUD interpretations, a mere telephone or other oral inquiries is not an application if the creditor puts nothing in writing. If a creditor uses written applications, the creditor receives an application when it reaches

the creditor in any of the ways applications are normally transmitted—by mail, hand-delivery, or through an intermediary agent of broker.

4. *Exceptions.* If the creditor knows within the three-day period that no credit transaction will occur, the creditor need not make the disclosures under this section. For example, if a consumer applies for a type or amount of credit which the creditor does not offer, or if the consumer's application cannot be approved, no purpose would be served by credit cost disclosures. If, however, the creditor fails to provide early disclosures and the transaction is later consummated, the creditor will be in violation of this provision.

5. *Itemization of amount financed.* In many residential mortgage transactions, the itemization of the amount financed required by § 226.18(c) will contain items that also must be disclosed as part of the good faith estimates of settlement costs required under RESPA. Typical settlement costs, such as origination fees or points, would be disclosed under both RESPA and this regulation. In order to eliminate these duplicative disclosures, creditors furnishing the RESPA good faith estimates need not give consumers an itemization of the amount financed, either with the disclosures provided three days after application or with the disclosures given at consummation or settlement.

19(b) Redisclosure required.

1. *Conditions for redisclosure.* Creditors must make new disclosures if the annual percentage rate at consummation changes from that originally disclosed by more than $\frac{1}{8}$ of one percentage point in regular transactions or $\frac{1}{4}$ of one percentage point in irregular transactions, as defined in § 226.22. A creditor must also redisclose if a variable rate feature is added to the credit terms after the original disclosures have been made.

2. *Content of new disclosures.* If redisclosure is required, the creditor may provide a complete set of new disclosures, or may redisclose only the terms that have changed. If the creditor chooses to disclose only the changed terms, all the terms that have changed must be included in the new disclosures. For example, a change in the annual percentage rate will almost always produce changes in the finance charge, and often in the schedule of payments; these changes would have to be disclosed. If, in addition, changes have occurred in any unrelated terms, such as the amount financed or prepayment penalty, these would also have to be disclosed. However, no new disclosures are required if the *only* changes involve terms other than the annual percentage

rate or the addition of a variable rate feature.

3. *Timing.* Redisclosures, when necessary, must be given before "consummation or settlement," whichever is later. "Consummation" is defined in § 226.2, and "settlement" is subject to any interpretations issued under RESPA and Regulation X.

References

Statute: § 128(b)(2).

Other sections: §§ 226.2; 226.17 and 226.22.

Other regulatory provisions: Real Estate Settlement Procedures Act (12 U.S.C. 2602) and Regulation X (24 CFR § 3500.2(a) and 3500.5).

Previous regulation: None.

1981 changes: This section is new, to implement the "early disclosure" amendment in § 128(b)(2) of the act.

Section 226.20—Subsequent disclosure requirements.

20(a) Refinancings.

1. *Definition.* A "refinancing" is a new transaction requiring a complete new set of disclosures. Whether a refinancing has occurred is determined by reference to whether the original obligation has been satisfied or extinguished and replaced by a new obligation, based on the parties' contract and applicable law. The refinancing may involve the consolidation of several existing obligations, disbursement of new money to the consumer or on the consumer's behalf, or the rescheduling of an existing payment obligation. In any form, the new obligation must completely replace the prior one. Thus, changes in the terms of an existing obligation, such as the deferral of individual installments, will not constitute a refinancing unless accomplished by the cancellation of that obligation and the substitution of a new obligation. Under the same test, however, a substitution of agreements that meets the refinancing definition will require new disclosures, even if the substitution does not substantially alter the prior credit terms.

2. *Exceptions.* A transaction is subject to this paragraph only if it meets the general definition of a refinancing. Paragraph (a)(1) through (5) lists five events which are not to be considered refinancings, even though they may otherwise meet the general definition.

3. *Renewal.* In determining whether the original terms apply to a renewal under paragraph (a)(1), the creditor may disregard the addition of accrued unpaid interest to the principal balance and changes in the term of renewal resulting from the factors listed in § 226.17(c)(3), such as the occurrence of leap year or

the varying number of days in months. This exception is available only if Truth in Lending disclosures were made on the earlier transaction.

4. Annual percentage rate reduction. Paragraph (a)(2) exempts a reduction in the annual percentage rate with a corresponding change in the payment schedule. If the rate is subsequently increased, even though it remains below its original level, new disclosures must then be made, if the increase is effected in a way that meets the general refinancing definition.

5. Court agreements. The exception under paragraph (a)(3) includes, for example, agreements approved by a court and reaffirmations of debts discharged in bankruptcy.

6. Workout agreements. Paragraph (a)(4) exempts workout agreements other than those in which the annual percentage rate is increased or additional credit advanced beyond amounts already accrued plus insurance premiums.

7. Insurance renewal. Paragraph (a)(5) exempts the renewal of optional insurance added to an existing credit transaction, assuming that appropriate Truth in Lending disclosures were provided for the initial purchase of the insurance.

8. Variable rate. If a variable rate feature was properly disclosed under the regulation, a rate change in accord with those disclosures is not a refinancing. For example, a renegotiable rate mortgage that was disclosed as a variable rate transaction is not subject to new disclosure requirements when the variable rate feature is invoked. However, if the variable rate feature was not previously disclosed, a later change in the rate is considered a new transaction subject to new disclosures.

9. Unearned finance charge. In a transaction involving precomputed finance charges, the creditor must include in the finance charge on the refinanced obligation any unearned portion of the original finance charge that is not rebated to the consumer or credited against the underlying obligation. For example, in a transaction with an add-on finance charge, a creditor advances new money to a consumer in a fashion that extinguishes the original obligation and replaces it with a new one. The creditor neither refunds the unearned finance charges on the original obligation to the consumer nor credits it to the remaining balance on the old obligation. Under these circumstances, the unearned finance charge must be included in the finance charge on the new obligation and reflected in the annual percentage rate disclosed on refinancing.

20(b) Assumptions.

1. General definition. An assumption as defined in this paragraph is a new transaction and new disclosures must be made to the subsequent consumer. An assumption under the regulation requires the following three elements:

- A residential mortgage transaction.
- An express acceptance of the subsequent consumer by the creditor.
- A written agreement.

2. Express agreement. "Expressly agrees" means that the creditor's agreement must relate to the specific new debtor, and must unequivocally accept that debtor as a primary obligor. The following events are not construed to be express agreements between the creditor and the subsequent consumer:

- Approval of creditworthiness.
- Notification of a change in records.
- Mailing the subsequent consumer a coupon book.
- Acceptance of payments from the new consumer.

3. Retention of original consumer. The retention of the original consumer as an obligor in some capacity does not prevent the change from constituting an assumption under this provision, provided the new consumer becomes a primary obligor. But the mere addition of a guarantor to an obligation for which the original consumer remains primarily liable does not give rise to an assumption.

4. Status of parties. Paragraph (b) applies only if the previous debtor was a consumer and the obligation is assumed by another consumer. It does not apply, for example, when an individual takes over the obligation of a corporation.

5. Assumption fee. The imposition of additional charges does not by itself exclude a transaction from the assumption definition. For example, an assumption fee may be charged and the assumption may remain subject to this paragraph.

6. Disclosures. For transactions that are assumptions within this provision, the creditor must make disclosures based on the "remaining obligation."

- The amount financed is the remaining principal balance plus any arrearages of other accrued charges from the original transaction.
- If the finance charge is computed from time to time by application of a percentage rate to an unpaid balance, in determining the amount of the finance charge and the annual percentage rate to be disclosed, the creditor should disregard any prepaid finance charges paid by the original obligor, but must include in the finance charge any prepaid finance charge, such as an assumption fee or

transfer fee, imposed in connection with the assumption.

- If the creditor requires the assuming consumer to pay any charges as a condition of the assumption. Those sums are prepaid finance charges as to that consumer.

If a transaction involves add-on or discount finance charges, the creditor may make abbreviated disclosures, as outlined in paragraph (b)(1) through (5).

References

Statute: None.

Other sections: § 226.2.

Previous regulation: § 226.8(j), (k) and (l), Interpretation §§ 226.807, 226.811, 226.814, and 226.817.

1981 changes: Where the previous regulation treated virtually any change of terms as a refinancing requiring new disclosures, this regulation limits refinancings to transactions in which the entire original obligation is extinguished and replaced by a new one. Redisclosure is no longer required for deferrals or extensions.

The assumption provision retains the substance of the rule under the previous regulation, but coverage is limited to residential mortgage transactions.

Section 226.21—Treatment of credit balances.

1. Credit balance. A "credit balance" arises whenever the creditor receives or holds funds in an account in excess of the total balance due from the consumer on that account. It may come about from overpayment by the consumer, from the crediting of rebates of unearned finance charges or insurance premiums, or from other amounts owed to or held for the consumer with respect to that account, such as credits for returned merchandise. With respect to closed-end credit, this could result from the debtor's paying off a loan by transmitting funds in excess of the total balance owed on the account, and the early payoff of a loan entitling the consumer to a rebate of insurance premiums and finance charges.

2. Total balance due. The phrase "total balance due" refers to the total outstanding balance. Thus, this provision does not apply where the consumer has simply paid an amount in excess of the installment payment or the minimum payment due for a given period.

3. Relation to other law. Whether the creditor in fact owes or holds sums for the consumer must be determined under the contract between the parties or by local law. For example, if a creditor has no obligation to rebate any portion of precomputed finance charges on

prepayment, the consumer's early payoff may not create a credit balance with respect to those charges. Similarly, nothing in this provision interferes with any rights the creditor may have under the contract or under state law with respect to set-off, cross collateralization, or similar provisions. For example, a lender may be entitled by state law to apply an overpayment on one account against a delinquent balance on another account; those rights are not preempted by this provision.

4. *Time of refund.* If a credit balance remains in the account for more than six months, the creditor must make a good faith effort to return it to the consumer. No request from the consumer is necessary to trigger this duty. "Good faith effort" requires reasonable but not extraordinary effort; the provision contemplates that when the consumer's current location is not known by the creditor, the minimum tracing requirement will include use of the consumer's last known address and telephone number. Thus, a creditor would be expected to try to reach the consumer by mail and by telephone before considering the consumer untraceable. The creditor may voluntarily refund the credit balance before the six months have run, but if efforts to do so have been unsuccessful, the creditor must still make the required good faith tracing effort after six months.

5. *Unclaimed balance.* If the consumer cannot be traced, the disposition of the credit balance remaining in the account after six months is a matter of state or other applicable law. The law may require those sums to escheat to the state, or may permit the creditor to retain them, or require some other disposition. Nothing in this provision authorizes the creditor to treat any credit balance (even one less than \$1) as income or otherwise appropriate it.

References

Statute: § 165.

Other sections: None.

Previous regulation: None.

1981 changes: This section implements § 165 of the Act, which was expanded by the 1980 statutory amendments to apply to closed-end as well as open-end credit.

Section 226.22—Determination of the annual percentage rate.

22(a) Accuracy of the annual percentage rate.

1. *Calculation method.* The regulation recognizes both the actuarial method and the United States Rule Method (U.S. Rule) as measures of an exact annual percentage rate. Both methods yield the

same annual percentage rate when payment intervals are equal. They differ in their treatment of unpaid accrued interest.

2. *Actuarial method.* When no payment is made, or when the payment is insufficient to pay the accumulated finance charge, the actuarial method requires that the unpaid finance charge be added to the amount financed and thereby capitalized. Interest is computed on interest since in succeeding periods the interest rate is applied to the unpaid balance including the unpaid finance charge. Appendix J provides instructions and examples for calculating the annual percentage rate using the actuarial method.

3. *U.S. Rule.* The U.S. Rule produces no compounding of interest in that any unpaid accrued interest is accumulated separately and is not added to principal. In addition, under the U.S. Rule, no interest calculation is made until a payment is received.

4. *Tolerances.* The annual percentage rate must be disclosed either as an exact figure or as one which varies, in either direction, by no more than the tolerances set forth in paragraph (a)(2) and (3).

5. *Regular transactions.* Under paragraph (a)(2), an annual percentage rate for a regular transaction is considered accurate if it varies in either direction by not more than $\frac{1}{4}$ of 1 percentage point from the actual annual percentage rate. For example, when the exact annual percentage rate is determined to be 10%, a disclosed annual percentage rate from 10% to 10 $\frac{1}{4}$ %, or the decimal equivalent, is deemed to comply with the regulation.

6. *Irregular transactions.* Paragraph (a)(3) permits a $\frac{1}{4}$ of 1 percentage point tolerance for irregular transactions. This tolerance is intended for more complex transactions that do not call for a single advance and a regular series of equal payments at equal intervals. The $\frac{1}{4}$ of 1 percentage point tolerance may be used, for example, in a construction loan where advances are made as construction progresses, or in a transaction where payments vary to reflect the consumer's seasonal income. It may also be used in transactions with graduated payment schedules where the contract commits the consumer to several series of payments in different amounts. It does not apply, however, to loans with variable rate features where the initial disclosures are based on a regular amortization schedule over the life of the loan, even though payments may later change because of the variable rate feature.

7. *Relation to § 226.17(c)(4).* Under § 226.17(c)(4), creditors may disregard

certain irregular first periods and any irregular payments resulting from those periods. Transactions in which the only irregularity is an odd first period are not considered "irregular" for purposes of the $\frac{1}{4}$ of 1 percentage point tolerance. If the only irregularities in a payment stream consist of an odd first period and odd payments flowing from that period, of the type described in § 226.17(c)(4), the transaction is considered regular and the annual percentage rate will be measured against the $\frac{1}{4}$ of 1 percentage point standard.

8. *Basis for calculations.* When a transaction involves "step rates" or "split rates"—that is, different rates applied at different times or to different portions of the principal balance—a single composite annual percentage rate must be calculated and disclosed for the entire transaction. Only the finance charge imposed on the consumer should be taken into account in computing the annual percentage rate. Thus, interest charges that are refunded for timely payment, or that are paid by the government on interim student loans, are not to be reflected in the rate.

22(b) Computation tools.

1. *Board tables.* Volumes I and II of the Board's Annual Percentage Rate Tables provide a means of calculating annual percentage rates for regular and irregular transactions, respectively. An annual percentage rate computed in accordance with the instructions in the tables is deemed to comply with the regulation, even where use of the tables produces a rate that falls outside the general standard of accuracy. To illustrate:

- Volume I may be used for single advance transactions with completely regular payment schedules or with payment schedules that are regular save for an odd first payment, odd first period or odd final payment. When used for a transaction with a large final balloon payment, Volume I may produce a rate that is considerably higher than the exact rate produced using a computer program based directly on Appendix J. However, the Volume I rate—produced using certain adjustments in that volume—is considered to be in compliance.

2. *Other calculation tools.* Creditors need not use the Board tables in calculating the annual percentage rates. Any computation tools may be used, so long as they produce annual percentage rates within $\frac{1}{4}$ or $\frac{1}{2}$ of 1 percentage point, as applicable, of the precise actuarial or U.S. Rule annual percentage rate.

22(c) Single add-on rate transactions.

1. *General rule.* Creditors applying a single add-on rate to all transactions up to 60 months in length may disclose the same annual percentage rate for all those transactions, although the actual annual percentage rate varies according to the length of the transaction. Creditors utilizing this provision must show the highest of those rates.

• *Example:* An add-on rate of 10% converted to an annual percentage rate produces the following actual annual percentage rates at various maturities: at three months, 14.94%; at 21 months, 18.18%; and at 60 months, 17.27%. The creditor may disclose an annual percentage rate of 18.18% (the highest annual percentage rate) for any transaction up to five years, even though that rate is precise only for a transaction of 21 months.

22(d) Certain transaction involving ranges of balances.

1. *General rule.* Creditors applying a fixed dollar finance charge to all balances within a specified range of balances may understate the annual percentage rate by up to 8% of that rate, by disclosing for all those balances the annual percentage rate computed on the median balance within that range.

• *Example:* If a finance charge of \$9 applies to all balances between \$91 and \$100, an annual percentage rate of 10% (the rate on the median balance) may be disclosed as the annual percentage rate for all balances, even though a \$9 finance charge applied to the lowest balance (\$91) would actually produce an annual percentage rate of 10.7%.

References

Statute: § 107.

Other sections: § 226.17(c)(4).

Previous regulation: § 226.5(b) through (e).

1981 changes: The section now provides a larger tolerance (¼ of 1 percentage point) for irregular transactions. It also eliminates, as of April 1, 1982, the special protection against liability for creditors using faulty calculation tools.

Section 226.23—Right of rescission.**23(a) Consumer's right to rescind.**

1. *Coverage.* This section applies to transactions in which:

- A security interest arises from the credit transaction.
- The security interest is taken in a consumer's dwelling.
- The dwelling is that consumer's principal place of residence.

2. *Transactions not covered.* If a credit extension is otherwise exempt from

Regulation Z, it does not become subject to the regulation because of the nature of the collateral securing the credit. For example, the right of rescission does not apply to a business purpose loan, even though the loan is secured by the customer's principal dwelling.

3. *Security interest arising from transaction.* The security interest must be retained as part of the credit transaction, as in the following examples:

- A security interest is acquired by a contractor who is also extending the credit in the transaction.
- A mechanic's or materialmen's lien is retained by a subcontractor or supplier of the contractor-creditor, even where the latter has waived its own security interest in the consumer's home.

The security interest is not retained as part of the credit transaction in the following cases:

- If a materialmen's or mechanic's lien is obtained by a contractor who is not a party to the credit transaction but merely receives the proceeds of the consumer's unsecured bank loan.
- If all security interests that may arise in connection with the credit transaction are validly waived.
- If the creditor obtains a lien and completion bond that has the effect of automatically satisfying all liens against the consumer's dwelling as a result of the credit transaction.

Although liens arising by operation of law are not considered security interests for disclosure purposes under § 226.2, that section specifically includes them in the definition for purposes of the right of rescission. Thus, even though an interest in the consumer's dwelling is not a required disclosure under § 226.18(m), it may still give rise to the right of rescission.

4. *Consumer.* The right of rescission runs to any consumer whose principal dwelling is subject to the security interest. To be a "consumer" within the meaning of § 226.2, that person need not be a signatory to the credit agreement, but must at least have an ownership interest that is encumbered by the creditor's security interest. For example, if one spouse signs a credit contract without the participation of the other spouse, the latter is a "consumer" if the ownership interests of both spouses are subject to the security interest.

5. *Principal dwelling.* A dwelling, as defined in § 226.2, can include structures that are classified as personalty under state law. For example, a transaction secured by a mobile home, trailer or houseboat used as the consumer's principal residence may be rescindable.

The structure must be the consumer's principal dwelling at the time of the credit transaction. Thus, a transaction secured by a second home that is not currently being used as the consumer's principal place of residence is not rescindable, even if the consumer intends to retire there sometime in the future. Similarly, a vacation home used as collateral—if it is not the consumer's principal dwelling—does not give rise to the right of rescission.

6. *Consumer's exercise of right.* The consumer's exercise of the right of rescission must be in writing but need not be on the form the creditor gives the consumer under paragraph (b). Whether notice of rescission is sent by mail, telegram or other means, the time period for the creditor's performance under paragraph (d)(2) does not begin to run until the notice has been received. The creditor may designate an agent to receive the notice so long as the agent's name and address appear on the notice provided to the consumer under paragraph (b).

7. *Rescission period.* The period within which the consumer may exercise the right to rescind runs for three business days from the last of the following three events:

- Consummation of the transaction.
- Delivery of all material disclosures.
- Delivery of the required rescission notice.

For example, if a transaction is consummated on June 1 and the disclosures and notice were given on May 31, the rescission period will expire at midnight of the third business day after June 1. If the disclosures were given and the transaction consummated on June 1 and the rescission notice given on June 3, the rescission period will expire at midnight of the third business day after June 3. The consumer must have placed the rescission notice in the mail, filed it for telegraphic transmission, or delivered it to the creditor's place of business within that time in order to exercise the right.

8. *Material disclosures.* Footnote 48 lists the material disclosures that must be provided before the rescission period can begin to run. Failure to provide information regarding the annual percentage rate also includes the failure to inform the consumer of the existence of a variable rate feature. Failure to give the other required disclosures does not prevent the running of the rescission period, although that failure may result in civil or administrative sanctions.

9. *Unexpired right of rescission.* Where the creditor has failed to take the action necessary to start the three-day

rescission period running, the right to rescind automatically lapses on the occurrence of the earliest of the following three events:

- Three years after consummation of the transaction.
 - Transfer of all the consumer's interest in the property.
 - Sale of the consumer's interest in the property, including a transaction in which the consumer sells the dwelling and takes back legal title through a purchase money note and mortgage.
- A partial transfer of the consumer's interest, such as an intra-family transfer bestowing co-ownership on a spouse, does not terminate the rescission right. Transfer of all the consumer's interest includes such transfers as bequests and gifts. Neither a sale of the property nor a transfer need be voluntary. For example, a foreclosure sale would terminate an unexpired right to rescind. As provided in § 125 of the Act, the three-year termination limit may be extended by an administrative proceeding to enforce the provisions of this section.

10. Joint owners. Where more than one consumer has the right to rescind a transaction, any one of them may exercise the right and cancel the transaction on behalf of all. For example, if a husband and wife have the right to rescind a transaction, either spouse acting alone may exercise the right and both spouses are bound by the rescission.

11. Addition of a security interest. Under footnote 47, the addition of a security interest to a pre-existing obligation rescindable. The right of rescission applies only to the added security interest, however, and not to the original obligation. In those situations, only the paragraph (b) notice need be delivered, not new material disclosures; the rescission period will begin to run from the delivery of the notice.

23(b) Notice of right to rescind.

1. Who receives notice. Each consumer entitled to rescind must be given:

- Two copies of the rescission notice.
- The material disclosures.

In a transaction involving joint owners, both of whom are entitled to rescind, both must receive the notices and disclosures. For example, if both spouses are entitled to rescind a transaction, each must receive two copies of the rescission notice and one copy of the disclosures. If an agent is acting for the consumer, the creditor need only deliver the material to the agent, so long as state agency law precludes the consumer from acting on his or her own behalf in such

circumstances. If state law does not prevent consumer/principals from acting on their own behalf, then the creditor must deliver the material to both the consumer and the agent.

2. Format. The notice must be on a separate piece of paper. No minimum type size or other technical requirements are imposed on the form, but the material must be presented clearly and conspicuously. The notices in Appendix H provide models that creditors may use in giving the notice, but their use is not required. Creditors may substitute other forms.

3. Content. The notice must include all of the information outlined in paragraph (b)(1) through (5). The requirement in paragraph (b)(5) that the transaction be identified may be met by providing the date of the transaction. The notice may include additional information related to the required information, such as:

- A description of the property subject to the security interest.
- A statement that joint owners may have the right to rescind and that a rescission by one is effective for all.
- The name and address of an agent of the creditor to receive notice of rescission.

4. Time of providing notice. The notice required by paragraph (b) need not be given before consummation of the transaction. The creditor may deliver the notice after the transaction is consummated, but the rescission period will not begin to run until the notice is given. For example, if the creditor provides the notice on May 15, but disclosures were given and the transaction was consummated on May 10, the three-business day rescission period will run from May 15. The creditor must also delay performance for a reasonable time after that period.

23(c) Delay of creditor's performance.

1. General rule. During the three-day rescission period and for a reasonable time thereafter, the creditor may not, either directly or through a third party:

- Disburse loan proceeds to the consumer.
- Begin performing services for the consumer.
- Deliver materials to the consumer.

2. Escrow. The creditor may disburse loan proceeds during the rescission period in a valid escrow arrangement. The creditor may not, however, appoint the consumer as "trustee" or "escrow agent" and distribute funds to the consumer in that capacity during the delay period.

3. Permissible actions. Nothing in paragraph (c) prevents the creditor from taking other steps during the delay,

short of beginning actual performance. These steps may include:

- Preparation of the loan check.
- Perfection of the security interest.
- Preparations for discounting or assigning the contract to a third party.
- Accruing finance charges during the delay period.

4. Delay beyond rescission period. The creditor must wait until it is "reasonably satisfied" that the consumer has not rescinded. The creditor may reasonably assure itself by:

- Waiting a reasonable period after expiration of the rescission period to allow for delivery of a mailed notice.
- Obtaining a written statement from the consumer that the right has not been exercised.

When more than one consumer has the right to rescind, the creditor cannot reasonably rely on the assurance of one consumer only, since other consumers may exercise the right.

23(d) Effects of rescission.

1. Termination of security interest. Any security interest giving rise to the right of rescission becomes void when the consumer exercises that right. The rule operates automatically to negate the security interest, regardless of its status and whether or not it was recorded or perfected. Under paragraph (d)(2), however, the creditor must take any action necessary to reflect the fact that the security interest no longer exists.

2. Refunds to consumer. The consumer cannot be required to pay any amount in the form of money or property either to the creditor or to a third party as part of the credit transaction. Any amounts of this nature already paid by the consumer must be refunded. "Any amount" includes finance charges already accrued, as well as other charges such as application and commitment fees or fees for a title search or appraisal, whether paid to the creditor, paid directly to a third party, or passed on from the creditor to the third party. The fact that these amounts may not represent profit to the creditor is irrelevant.

3. Amounts not refundable to consumer. Creditors need not return any money given by the consumer to a third party outside of the credit transaction, such as costs incurred for a building permit or for a zoning variance. Similarly, the term "any amount" does not apply to any money or property given by the creditor to the consumer; those amounts must be tendered by the consumer to the creditor under paragraph (d)(3).

4. *Reflection of security interest termination.* The creditor must take whatever steps are necessary to show the termination of the security interest. Such steps include the cancellation of documents creating the interest, and the filing of release or termination statements in the public record. In a transaction involving subcontractors or suppliers that also hold interests related to the credit transaction, the creditor must insure that the termination of their interests is also reflected. The 20-day period for the creditor's action refers to the time within which the creditor must begin the process. It does not require all necessary steps to have completed within that time, but the creditor is responsible for seeing the process through to completion.

5. *Property exchange.* Once the creditor has fulfilled its obligations under paragraph (d)(2), the consumer must tender to the creditor any property or money the creditor has already delivered to the consumer. At the consumer's option, property may be tendered at the location of the property. For example, if lumber or fixtures have been delivered to the consumer's home, the consumer may tender them to the creditor by making them available for pick-up at the home, rather than physically returning them to the creditor's premises. But money already given to the consumer must be tendered at the creditor's place of business.

6. *Reasonable value.* Rather than returning the property itself, the consumer may offer the creditor its reasonable value, if returning the property would be extremely burdensome to the consumer. For example, if building materials have already been incorporated into the consumer's dwelling, the consumer may pay their reasonable value instead.

7. *Modifications.* The procedures outlined in paragraph (d) (2) and (3) may be modified by a court. This could apply, for example, to a situation where a consumer is in bankruptcy proceedings and may be prohibited from returning any thing to the creditor or in any situation where the equities dictate that a modification should be made.

23(e) *Consumer's waiver of right to rescind.*

1. *Need for waiver.* To waive the right to rescind, the consumer must have a bona fide personal financial emergency that must be met before the end of the three-day period. While the consumer must initially determine whether a personal financial emergency exists, the "bona fide" test requires creditors to assure themselves that the reasons given for the waiver or modification are substantial and credible. The existence

of the consumer's waiver will not, of itself, automatically insulate the creditor from liability for failing to provide the rescission right.

2. *Procedure.* To waive or modify the right to rescind, the consumer must give a written statement that both specifically waives or modifies the right and includes a brief description of the emergency. Each consumer entitled to rescind must sign the waiver statement. Therefore, in a transaction involving multiple consumers, such as a husband and wife using their home as collateral, the waiver must bear the signatures of both spouses. However, depending on state agency law, a waiver or modification may be executed by a duly appointed agent acting under a valid power of attorney.

23(f) *Exempt transactions.*

1. *Residential mortgage transaction.* Any transaction to construct or acquire a principal dwelling, whether considered real or personal property, is exempt. For example, a credit transaction to acquire a mobile home or houseboat to be used as the consumer's home would not be rescindable.

2. *Lien status.* The lien status of the mortgage is irrelevant for purposes of the exemption in paragraph (f) (1); the fact that a loan has junior lien status does not by itself preclude application of this exemption. For example, a home buyer may assume the existing first mortgage and create a second mortgage to finance the balance of the purchase price. Such a transaction would not be rescindable.

3. *Combined-purpose transaction.* A loan to acquire a dwelling and make improvements to that dwelling is exempt if treated as one transaction. If, on the other hand, the loan for the acquisition of the dwelling and the subsequent advances for improvements are treated as more than one transaction, then only the transaction financing the acquisition of the dwelling is exempt.

4. *Bridge loans.* A bridge loan to purchase another dwelling but secured by the equity in the consumer's current principal dwelling is rescindable. For example, a homeowner may seek to purchase a new home prior to the sale of the current residence, and obtains a loan secured by the equity. In such a case, although the loan is used to acquire a dwelling, the proceeds of that loan are not secured by that dwelling but by the consumer's equity in the present residence.

5. *New advances.* The exemption in paragraph (f)(2) applies only to refinancings or consolidations by the original creditor. If the transaction involves the advance of new money, then only the amount of the new money

is rescindable. For example, if the sum of the outstanding principal balance plus the earned finance charge is \$1,000 and the new amount financed is \$1,000, then the refinancing would be exempt. On the other hand, if the new amount financed exceeds \$1,000, then the amount in excess of that \$1,000 would be rescindable. A model rescission notice applicable to transactions involving new money appears in Appendix H.

6. *State creditors.* Cities and other political subdivisions of states acting as creditors are not exempted from this section.

7. *Multiple advances.* Just as new disclosures need not be made for subsequent advances when treated as one transaction, no new rescission rights arise so long as the appropriate notice and disclosures are given at the outset of the transaction. For example, the creditor extends credit for home improvements secured by the consumer's principal dwelling, with advances made as repairs progress. As permitted by § 226.17(c)(6), the creditor makes a single set of disclosures at the beginning of the construction period, rather than separate disclosures for each advance. The right of rescission does not arise with each advance. However, if the advances are treated as separate transactions, the right of rescission applies to each advance.

8. *Spreader clauses.* When the creditor holds a mortgage or deed of trust on the consumer's principal dwelling and that mortgage or deed of trust contains a "spreader clause," subsequent loans made are separate transactions and are subject to the right of rescission. Such loans are rescindable unless the creditor effectively waives its security interest under the spreader clause with respect to the subsequent transactions.

References

Statute: §§ 113, 125, 130.

Other sections: § 226.2 and Appendix H.

1981 changes: The right to rescind applies not only to real property used as the consumer's principal dwelling, but to personal property as well. The regulation provides no specific text or format for the notice of the right to rescind.

When a consumer exercises the right to rescind the creditor now has 20 days to return a consumer's money or property and take the necessary action to terminate the security interest. The creditor has 20 days to take possession of the money or property after the consumer's tender before the consumer may keep it without further obligation.

The lien status of the mortgage is irrelevant for purposes of the residential mortgage transaction exemption. The exemption for agricultural loans from the right to rescind has been omitted. The consumer may waive the right to rescind if necessary to meet a bona fide personal financial emergency.

Section 226.24—Advertising.

General.

1. *Coverage.* An advertisement includes any commercial message in any communication medium that promotes, directly or indirectly, a consumer credit transaction. Responsibility for complying with the advertising rules is not limited to creditors but includes any advertiser. This would include, for example, a broker or seller of real estate whose advertisements state credit terms that may be arranged with third-party creditors.

2. *Media.* These rules apply to advertisement of credit terms using any medium, including radio and television advertisements. A promotional letter sent to prospective customers may qualify as an advertisement; however, educational material containing hypothetical transactions that could not reasonably be construed as an offer of credit is not an advertisement. The media through which advertisements are disseminated are not liable for violations of these provisions.

3. *Clear and conspicuous standard.* This section is subject to the general "clear and conspicuous" standard for this subpart but prescribes no specific rules for the format of the necessary disclosures. The credit terms need not be printed in a certain type size nor need they appear in any particular place in the advertisement. For example, a merchandise tag that is an advertisement under the regulation complies with this section if the necessary credit terms are on both sides of the tag, so long as each side is accessible to the consumer.

24(a) Actually available terms.

1. *General rule.* To the extent that an advertisement mentions specific credit terms, it may state only those terms that the creditor is actually prepared to offer. For example, a creditor may not advertise a very low annual percentage rate that will not in fact be available at any time. This provision is not intended to inhibit the promotion of new credit programs, but to bar the advertising of terms that are not and will not be available. Thus, a creditor may advertise terms that will be offered for only a limited period, or terms that will become available at a future date.

24(b) *Advertisement of rate of finance charge.*

1. *Annual percentage rate.* Advertised rates must be stated in terms of an "annual percentage rate," as defined in § 226.22. Even though state or local law permits the use of add-on, discount, time-price differential, or other methods of stating rates, advertisements must state them as annual percentage rates. Unlike the transactional disclosure of the annual percentage rate in § 226.18(e), the advertised annual percentage rate need not include a descriptive explanation of the term. The advertisement must state that the rate is subject to increase after consummation if that is the case, but the advertisement need not describe the rate increase, its limits, or how it would affect the payment schedule. As in § 226.18(f), relating to disclosure of a variable rate, the rate increase disclosure requirement in this provision does not apply to any rate increase due to delinquency (including late payment), default, acceleration, assumption, or transfer of collateral.

2. *Simple or periodic rates.* The advertisement may not simultaneously state any other rate, except that a simple annual rate or periodic rate applicable to an unpaid balance may appear along with (but not more conspicuously than) the annual percentage rate. For example:

- In an advertisement for real estate, a simple interest rate may be shown in the same type size as the annual percentage rate for the advertised credit.

3. *Legal obligation.* As in § 226.17(c), relating to the basis of transactional disclosures, advertised rates must be based on the legal obligation between the parties.

- In some cases, an agreement between the creditor and a third party may affect the terms of the obligation. For example, a builder may agree to buy the consumer's interest rate down from 15% to 12% for the first three years of a 30-year mortgage term. If the "buy-down" agreement between the builder and creditor is not reflected in the note which establishes the legal obligation between the consumer and the creditor, the advertised annual percentage rate and simple interest rate must be determined and disclosed without regard to the interest subsidy provided by the "buy-down" agreement. If, however, the legal obligation between the buyer and the creditor incorporates the "buy-down" agreement between the creditor and the builder, the subsidy may be reflected in the advertised annual percentage rate and the advertisement

may indicate that the subsidy produces a 12% simple interest rate for the first three years, provided the advertisement also indicates the simple interest rate applicable to the balance of the 30-year term.

- While the legal obligation is normally embodied in a single note or contract, in rare instances, the parties may have agreed to two separate documents that between them reflect a single legal obligation. For example, in a mortgage transaction, the lender and consumer agree to a note specifying a 14% interest rate. However, in a separate document signed by both parties, the consumer agrees to pay four points to the lender at consummation, in return for a reduction in the interest rate to 12% for a portion of the mortgage term. When a creditor's promotional program envisions such a transaction, if the "buy-down" agreement is to form a part of a single legal obligation, overriding any conflicting provisions in the note, it must be reflected in the advertised annual percentage rate. The creditor may advertise the reduced simple interest rate as well, provided the advertisement shows the limited term to which the reduced rate applies and states the simple interest rate applicable to the balance of the term.

24(c) Advertisement of terms that trigger additional disclosures.

1. *General rule.* Under paragraph (c)(1), whenever certain triggering terms appear in credit advertisements, the additional credit terms enumerated in paragraph (c)(2) must also appear. These provisions apply even if the triggering term is not stated explicitly, but may be readily determined from the advertisement. For example, an advertisement may state "80% financing available," which is in fact indicating that a 20% downpayment is required.

2. *Downpayment.* The dollar amount of a downpayment or a statement of the downpayment as a percentage of the price requires further information. By virtue of the definition of "downpayment" in § 226.2, this triggering term is limited to credit sale transactions. It includes such statements as:

- "Only 5% down."
- "As low as \$100 down."
- "Total move-in costs of \$800."

This provision applies only if a downpayment is actually required; statements such as "no downpayment" or "no trade-in required" do not trigger the additional disclosures under this paragraph.

3. *Payment period.* The number of payments required or the total period of repayment includes such statements as:

- "48-month payment terms."
- "Thirty-year mortgage."
- "Repayment in as many as thirty-six monthly installments."

But it does not include such statements as "pay weekly," "monthly payment terms arranged," or "take years to repay," since these statements do not indicate a time period over which a loan may be financed.

4. *Payment amount.* The dollar amount of any payment includes statements such as:

- "Payable in installments of \$103."
- "\$25 weekly."
- "\$1,200 balance payable in ten equal installments."

In the last example, the amount of each payment is readily determinable, even though not explicitly stated. But statements such as "monthly payments to suit your needs" or "regular monthly payments" are not covered.

5. *Finance charge.* The dollar amount of the finance charge or any portion of it includes statements such as:

- "\$500 total cost of credit."
- "\$2 monthly carrying charge."
- "\$50,000 mortgages, two points to the borrower."

In the last example, the \$1,000 prepaid finance charge can be readily determined from the information given. Statements of the annual percentage rate or statements that there is no particular charge for credit (such as "no closing costs") are not triggering terms under this paragraph.

6. *Disclosure of downpayment.* Under paragraph (c)(2)(i), the total downpayment as a dollar amount or percentage must be shown, but the word "downpayment" need not be used in making this disclosure. For example, "10% cash required from buyer" or "credit terms require minimum \$100 trade-in" would suffice.

7. *Disclosure of repayment terms.* While the phrase "terms of repayment" generally has the same meaning as the "payment schedule" required to be disclosed under § 226.18(g), paragraph (c)(2)(ii) provides greater flexibility to creditors in making this disclosure for advertising purposes. Repayment terms may be expressed in a variety of ways in addition to an exact repayment schedule; this is particularly true for advertisements that do not contemplate a single specific transaction. For example:

- A creditor may use a unit-cost approach in making the required disclosure, such as "48 monthly

payments of \$27.83 per \$1,000 borrowed."

- In an advertisement for credit secured by a dwelling, when any series of payments varies because of a graduated payment feature or because of the inclusion of mortgage insurance premiums, a creditor may state the number and timing of payments, the amounts of the largest and smallest of those payments, and the fact that other payments will vary between those amounts.

8. *Annual percentage rate.* Under paragraph (c)(2)(iii), as under paragraph (b), the advertisement must also state, if applicable, that the annual percentage rate is subject to increase after consummation.

9. *Use of examples.* Footnote 49 authorizes the use of illustrative credit transactions to make the necessary disclosures under paragraph (c)(2), that is, where a range of possible combinations of credit terms is offered, the advertisement may use examples of typical transactions, so long as each example contains all of the applicable terms required by paragraph (c). The examples must be labelled as such and must reflect representative credit terms that are made available by the creditor to present and prospective customers.

24(d) Catalogs and multiple-page advertisements.

1. *General rule.* The multiple-page advertisements to which this section refers are advertisements consisting of a paginated series of pages—for example, a supplement to a newspaper. A mailing consisting of several separate flyers or pieces of promotional material in a single envelope does not constitute a single multiple-page advertisement for purposes of paragraph (d).

2. *Cross-referencing credit terms.* These forms of commercial messages will be considered single advertisements (requiring a single set of credit cost disclosures) if they contain a table, chart, or schedule clearly stating sufficient information for the consumer to determine the disclosures required under paragraph (c)(2). In addition to the table, chart or schedule, any mention of the triggering term elsewhere in the catalog or multiple-page advertisement must clearly refer to the specific page where the table, chart, or schedule begins. This rule permits creditors to put credit information together in one place in a catalog or multiple-page advertisement, so long as that information reflects the range of credit transactions actually offered. The rule applies only if the catalog or multiple-page advertisement contains one or more of the triggering terms from

paragraph (c)(1). A list of different annual percentage rates applicable to different balances, for example, does not trigger further disclosures under paragraph (c)(2) and so is not covered by paragraph (d).

3. *Representative examples.* The table or schedule must state all the necessary information for a representative sampling of amounts of credit. This must reflect amounts of credit the creditor actually offers, up to and including the higher-priced items. This does not mean that the chart must make the disclosures for the single most expensive item the seller offers, but only that the chart cannot be limited to information about less expensive sales when the seller commonly offers a distinct level of more expensive goods or services. The range of transactions shown in the table or schedule in a particular catalog or multiple-page advertisement need not exceed the range of transactions actually offered in that advertisement.

References

Statute: §§ 141, 142, 144, and 145.

Other sections: §§ 226.2; 226.4, and 226.22.

Previous regulation: § 226.10(a), (b), (d).

1981 changes: This section retains the advertising rules in a form very similar to the previous regulation, but with certain changes to reflect the 1980 statutory amendments. For example, if triggering terms appear in any advertisement, the additional disclosures required no longer include the cash price. The special rule for FHA § 235 financing has been eliminated, as well as the rule for advertising credit payable in more than four installments with no identified finance charge. Board Interpretation § 226.1002, requiring disclosure of representative amounts of credit in catalogs and multiple-page advertisements, has been incorporated in simplified form in paragraph (d).

Unlike the previous regulation, if the advertised annual percentage rate is subject to increase, that fact must now be disclosed.

Subpart D—Miscellaneous

Section 226.25—Record retention.

25(a) General rule.

1. *Evidence of required actions.* Creditors must retain evidence that they performed required actions as well as made the required disclosures. This includes, for example, evidence that the creditor properly handled adverse credit reports in connection with amounts subject to a billing dispute under § 226.13, and the refunding of credit balances under §§ 226.11 and 226.21.

2. Methods of retaining evidence.

Adequate evidence of compliance does not require actual paper copies of disclosure statements or other business records. The evidence may be retained on microfilm, microfiche, or by any other method designed to reproduce records accurately (including computer programs). The creditor need retain only enough information to reconstruct the required disclosures or other records. Thus, for example, creditors need not retain each open-end periodic statement, so long as the information can be retrieved.

References

Statute: § 105.

Previous regulation: § 226.6(i).

1981 changes: The revised regulation substitutes the uniform two-year record-retention rule in place of the previous requirement that certain creditors retain records through at least one compliance examination.

Section 226.26—Use of annual percentage rate in oral disclosures.

1. Application of rules. The restrictions of this section apply only if the creditor chooses to respond orally to a consumer's request for credit cost information. Nothing in the provision requires creditors to supply rate information orally. If a creditor volunteers information by making oral solicitations (including rate information) that are directed generally to prospective customers, as through a telephone solicitation, those communications may be advertisements subject to the rules in §§ 226.16 and 226.24.

26(a) Open-end credit.

1. Information that may be given.

Creditors may state periodic rates in addition to the required APR, but they need not do so. If the APR is unknown because transaction charges, loan fees, or similar finance charges may be imposed, the creditor should give the corresponding APR (that is, the periodic rate multiplied by the number of periods in a year, as described in § 226.6(a)(2)). The creditor may, but need not, also give the consumer information about other finance charges or other charges.

26(b) Closed-end credit.

1. Information that may be given.

Creditors are free to state other annual or periodic rates that are applied to an unpaid balance, along with the required APR. This rule permits disclosure of a simple interest rate, for example, but not an add-on, discount, or similar rate. If the creditor cannot give a precise APR in its oral response because of variable in the transaction, it must give the APR for a comparable hypothetical

transaction; in this case, other cost information may, but need not, be given. For example, a creditor may be unable to state a precise APR for a mortgage loan without knowing the exact amount to be financed, the amounts of loan fees or mortgage insurance premiums, or similar factors. In this situation, the creditor should state an APR that reflects a standard transaction; it may also provide information, such as the contract interest rate and points, about the consumer's specific case.

References

Statute: § 146.

Previous regulation: Board Interpretation § 226.101.

Other sections: § 226.2 definition of periodic rate.

1981 changes: This section implements amended § 146 of the act, which added a provision dealing with oral disclosures, and also incorporates Board Interpretation § 226.101.

Section 226.27—Spanish language disclosures.

1. Permissible uses. If foreign language disclosures are required by state, federal, or local law, other than in Puerto Rico, they are not inconsistent per se with disclosures under this regulation and may be provided as additional information. If the foreign language disclosures are not required, but a creditor wishes, for example, to give Spanish translations of English disclosures to Spanish-speaking consumers, this also may be given as additional information. In both cases, the English language disclosures must be clear and conspicuous, and the closed-end disclosures in English must be properly segregated in accordance with § 226.17(a)(1).

References

Statute: None.

Previous regulation: § 226.6(a).

Definitions: § 226.2 definitions of creditor, consumer, and advertisement.

1981 changes: No substantive change.

Section 226.28—Effect on state laws.

28(a) Inconsistent disclosure requirements.

1. General. There are three sets of preemption criteria: one applies to the general disclosure and advertising rules of the regulation, and two apply to the credit billing provisions. The regulation also provides for Board determinations of preemption.

2. Rules for chapters 1, 2, and 3. The standard under which state laws that cover the types of requirements in chapters 1 (General provisions), 2 (Credit transactions), and 3 (Crediting advertising) of the act are judged

inconsistent, and therefore preempted, is contradiction of the federal law. Examples of laws that would be preempted are:

- A state law that requires use of the term "finance charge," but defines the term to include fees that the federal law excludes, or to exclude fees the federal law includes.
- A state law that requires a label such as "nominal annual interest rate" to be based for what the federal law calls the "annual percentage rate."

3. Laws not contradictory. Generally, state law requirements that call for the disclosure of items of information not covered by the federal law, or that require more detailed disclosures, will not contradict the federal requirements. Examples of laws that are not preempted include:

- A state law that requires disclosure of the minimum periodic payment for open-end credit, even though not required by § 226.7.
- A state law that requires contracts to contain warnings such as: "Read this contract before you sign. Do not sign if any spaces are left blank. You are entitled to a copy of this contract."

Similarly, a state law requiring itemization of the amount financed would not automatically contradict the permissive itemization under § 226.18(c); but a state law would be inconsistent if it required the itemization to appear with the disclosure of the amount financed in the segregated closed-end credit disclosures.

4. Creditor's options. Before the Board makes a determination about a specific state law, a creditor has certain options. Since the prohibition against giving the state disclosures does not apply until the Board makes its determination, the creditor may choose to give state disclosures until the Board formally determines that the state law is inconsistent. (The Board will provide sufficient time for creditors to revise forms and procedures as necessary to conform to its determinations.)

- Under this approach, as in all cases, the federal disclosures must be clear and conspicuous, and the closed-end disclosures must be properly grouped together in accordance with § 226.17(a)(1).
- This ability to give state disclosures relieves any uncertainty that a creditor might have prior to Board determinations of inconsistency.

Alternatively, the creditor may apply the preemption standards to a state law, conclude that it is inconsistent, and choose not to give the state-required disclosures. However, nothing in this

provision provides a creditor with any immunity for violations of state law if the creditor choose *not* to make state disclosures and the Board later determines that the state law is not preempted.

5. *Rules for correction of billing errors and regulation of credit reports.* The Preemption criteria for the fair credit billing provisions set forth in paragraph (a)(2) have two parts. With respect to the rules on correction of billing errors and on regulation of credit reports (§ 226.13 of the regulation), paragraph (a)(2)(i) provides that a state law is inconsistent and preempted if its requirements are different from the federal law. An exception is made, however, for state laws that allow the consumer to inquire about an open-end credit account and require the creditor to respond to such inquiries beyond the time limits in the federal law. Such a state law is not preempted with respect to the extra time period. For example, Regulation Z requires the consumer to submit a written notice of billing error within 60 days after transmittal of the periodic statement showing the alleged error. If a state law allows a consumer a longer period, such as 90 days after receipt of the periodic statement, the state law remains in effect to provide the extra 30 days. Any state law disclosures concerning this extended state time limit must reflect the qualifications and format specified in subparagraph (a)(2)(i).

Examples of laws that would be preempted include:

- A state law that has a narrower or broader definition of "billing error."
- A state law that requires the creditor to take different steps to resolve errors.
- A state law that provides different timing rules for error resolution (subject to the exception discussed above.)

6. *Rules for other fair credit billing provisions.* The second part of the criteria relate to the other rules implementing chapter 4 of the Act (addressed in §§ 226.4(c)(8), 226.5(b)(2)(ii), 226.6(d), 226.7(k), 226.9(a), 226.10, 226.11, 226.12(b)(4) and (c) through (f), 226.13, and 226.21. Paragraph (a)(2)(ii) provides that the test of inconsistency is whether the creditor can comply with state law without violating federal law. For example:

- If a state law allows a card issuer to offset a consumer's credit card indebtedness against funds held by the card issuer, that state law would be preempted, since § 226.12(d) of this regulation prohibits such action.

- A state requirement that periodic statements be sent *more* than 14 days before the end of a free-ride period would not be preempted.
- A state law that permits consumers to assert claims and defenses against a card issuer without regard to the \$50 and 100-mile limitations of § 226.12(c)(3)(ii) would not be preempted.

In the last two cases, compliance with state law would involve no violation of the federal law.

7. *Who may request a chapter 4 determination.* Under paragraph (a)(2)(iii), only states (through their authorized officials) may ask for determinations on inconsistency with respect to the fair credit billing provisions.

28(b) Equivalent disclosure requirements.

1. *General.* A state disclosure may be substituted for the federal only *after* the Board has made a finding of substantial similarity. Thus, a creditor may not unilaterally choose to make a state disclosure in place of a federal disclosure, even if it believes that the state disclosure is substantially similar. Since this rule does not extend to any requirement relating to the finance charge or APR, no state provision on computation, description, or disclosure of these terms may be substituted for the federal disclosure.

References

Statute: §§ 111, 171(a) and (c).

Previous regulation: § 226.6(b) and (c).

1981 changes: Statutory changes to § 111 of the act are implemented in paragraphs (a)(1) and (b) of this provision. The test for preemption of state laws relating to disclosure and advertising is now whether the state law "contradicts" the federal, rather than whether state requirements are "different."

The new regulation contains no counterpart to previous § 226.6(c) on placement of inconsistent disclosures.

Section 226.29—State exemptions.

29(a) General rule.

1. *Classes eligible.* The state determines the classes of transactions for its exemption and makes its application for those classes. Classes might be, for example, all open-end credit transactions; all open-end and closed-end transactions; or all transactions where the creditor is a bank.

2. *Substantial similarity.* The substantially similar standard requires that state statutory or regulatory provisions and state interpretations of those provisions must be generally the same as the federal act and Regulation

Z. This includes the requirement that state provisions for reimbursement to consumers for overcharges must be at least equivalent to those required in § 108 of the act. A state will be eligible for an exemption even if its law covers classes of transactions not covered by the federal law. For example, if a state's law covers agricultural credit, this will not prevent the Board from granting an exemption for consumer credit, even though agricultural credit is not covered by the federal law.

3. *Adequate enforcement.* The standard requiring adequate provision for enforcement generally means that appropriate state officials are authorized to enforce the state law through procedures and sanctions comparable to those available to federal enforcement agencies. Furthermore, state law must make adequate provision for enforcement of the reimbursement rules.

29(b) Civil liability.

1. *Not eligible for exemption.* The provision that an exemption may not extend to §§ 130 and 131 assures that consumers retain access to both federal and state courts in seeking damages or civil penalties for violations, while creditors retain the defenses specified in those sections.

References

Statute: §§ 123, 171(b).

Previous regulation: § 226.12.

1981 changes: The procedures that states must follow to seek exemptions are now located in an appendix. Exemptions under the old regulation will be automatically revoked on April 1, 1982, when compliance with the new regulation is mandatory.

Appendix A—Effect on State Laws

1. *Who may make requests.* This appendix sets forth the procedures for preemption determinations. As discussed in § 226.28, which contains the standards for preemption, a request for a determination of whether a state law is inconsistent with the requirements of chapters 1, 2, or 3 may be made by a creditor, state, or any interested party. However, only states may request determinations in connection with the fair credit billing provisions of chapter 4.

References

Statute: §§ 111, 171(a).

Previous regulation: §§ 226.6(b), 226.70 (Supplement V, Section II).

1981 changes: The procedures in this appendix were largely adapted from Supplement V of the current regulation (§ 226.70), with changes made to streamline the procedures.

Appendix B—State Exemptions

1. *General.* This appendix sets forth the procedures for exemption applications. The exemption standards are found in § 226.29 and are discussed in the commentary to that section.

References

Statute: §§ 123, 171(b).

Previous regulation: §§ 226.12, 226.50 (Supplement II), 226.60 (Supplement IV), and 226.70 (Supplement V, Section I).

1981 changes: The procedures set forth in this section represent a combination and streamlining of the procedures set forth in these supplements.

Appendix C—Issuance of Staff Interpretations

1. *General.* This commentary is mentioned as the primary vehicle for issuing official staff interpretations. In most circumstances, interpretations will not be issued separately from the commentary.

References

Statute: §§ 105, 130(f).

Previous regulation: § 226.1(d).

1981 changes: This provision reflects the Board's intention to use this commentary as the primary vehicle for interpreting the regulation rather than issuance of individual interpretive letters.

Appendix D—Multiple Advance Construction Loans

1. *General Rule.* Appendix D provides a special procedure that creditors may use, at their option, to estimate and disclose the terms of multiple advance construction loans when the amounts and timing of advances are unknown at consummation of the transaction. This appendix reflects the approach taken in § 226.17(c)(6)(ii), which permits creditors to provide separate or combined disclosures for the construction period and for the permanent financing, if any; i.e., the construction phase and the permanent phase may be treated as one transaction or more than one transaction.

References

Statute: None.

Other sections: §§ 226.17 and 226.22.

Previous regulations: Interpretation § 226.813.

1981 changes: The use of Appendix D is limited to multiple-advance loans for construction purposes.

Appendix E—Rules for Card Issuers that Bill on a Transaction-By-Transaction Basis

Statute: None.

Previous regulation: Interpretation § 226.709.

Other sections: §§ 226.6 through 226.13, and 226.15.

1981 changes: The rules in this appendix have been streamlined and clarified to indicate how certain card issuers that bill on a transaction basis may comply with the requirements of Subpart B.

Appendix F—Annual Percentage Rate Computations for Certain Open-End Credit Plans

References

Statute: None.

Previous regulation: § 226.5(a)(3)(ii), footnote 5(a).

Other sections: § 226.14.

1981 changes: This appendix incorporates a sixth example in which the transaction amount exceeds the amount of the balance subject to the periodic rate.

Appendices G and H—Open-End and Closed-End Model Forms and Clauses

1. *Permissible changes:* Although use of the model forms is not required, creditors using them properly will be deemed to be in compliance with the regulation. Creditors may make certain changes in the format or content of the forms and may delete any disclosures that are inapplicable to a transaction or a plan without losing the act's protection from liability. However, revised forms must be substantially similar to the model forms in order to insulate creditors against civil liability. The rearrangement of the model forms may not be so extensive as to affect the substance, clarity, or meaningful sequence of the forms. Creditors making revisions with that effect will lose their protection from civil liability. Examples of acceptable changes under the substantially similar standard include:

- Using the first person, instead of the second person, in referring to the borrower.
- Using "borrower" and "creditor" instead of pronouns.
- Rearranging the sequence of the disclosures.
- Not using bold type for headings.
- Incorporating certain state "plain English" requirements.
- Deleting inapplicable disclosures by whiting out, filling in "N/A" (not applicable) or "o", crossing out, leaving blanks, checking a box for applicable items, or circling applicable items. (This should permit use of multi-purpose standard forms.)
- Substituting appropriate references, such as "bank," "we," or a specific name, for "creditor" in the initial open-end disclosures.

- Using a vertical, rather than a horizontal, format for the boxes in the closed-end disclosures.

Appendix G—Open-End Model Forms and Clauses

1. *Model G-1.* The model disclosures in G-1 (different balance computation methods) may be used in both the initial disclosures under § 226.6 and the periodic disclosures under § 226.7. As is clear from the models given, "short hand" descriptions of the balance computation methods are not sufficient. The phrase "a portion of" the finance charge should be included if the total finance charge includes other amounts, such as transaction charges, that are not due to the application of a periodic rate. In addition, if unpaid finance charges are subtracted in calculating the balance, that fact must be stated so that the disclosure of the computation method is accurate. Only Model G-1(b) contains a final sentence appearing in brackets which reflects the total dollar amount of payments and credits received during the billing cycle. The other models do not contain this language because they reflect plans in which payments and credits received during the billing cycle are subtracted. If this is not the case, however, the language relating to payments and credits should be changed, and the disclosure of the dollar amount should be added.

2. *Model G-2.* This model contains the notice of liability for unauthorized use of a credit card.

3. *Model G-3 and G-4.* These set out models for the long form billing error rights statement (for use with the initial disclosures and as an annual disclosure) and the alternative billing error rights statement (for use with each periodic statement), respectively. Creditors must provide the billing error rights statements in a form substantially similar to the models in order to comply with the regulation. The models may, however, be modified by deleting inapplicable information, such as:

- The paragraph concerning stopping a debit in relation to a disputed amount, if the creditor does not have the ability to debit automatically the consumer's savings or checking account for payment.
- The rights stated in the special rule for credit card purchases and any limitations on those rights.

These notices also contain optional language that creditors may use. For example, the creditor may:

- Include a statement to the effect that notice of a billing error must be

submitted on something other than the payment ticket or other material accompanying the periodic disclosures.

- Insert its address or refer to the address that appears elsewhere on the bill.

Additional information may be included on the notice as long as it does not detract from the required disclosures. For instance, information concerning the reporting of errors in connection with a checking account may be included on a combined statement.

4. *Models G-5 through G-9.* These models set out notices of the right to rescind that would be used at different times in an open-end plan. The last paragraph of each of the rescission model forms contains a blank for the date by which the consumer's notice of cancellation must be sent or delivered. A parenthetical is included to address the situation in which the consumer's right to rescind the transaction exists beyond three business days following the date of the transaction, for example, where the notice or material disclosures are delivered late or where the date of the transaction in (1) of the notice is an estimate. The language of the parenthetical is not optional.

Appendix—H—Closed-End Model Forms and Clauses

1. *Models H-1 and H-2.* Creditors may make several types of changes to closed-end model forms H-1 (credit sale) and H-2 (loan) and still be deemed to be in compliance with the regulation, provided that the required disclosures are made clearly and conspicuously. Permissible changes include the addition of the information permitted by § 226.17:

- The creditor's address or telephone number.
- The consumer's name.
- The consumer's address.
- The consumer's account number.
- The date of the transaction.
- An acknowledgment of receipt.

The creditor may also delete inapplicable disclosures, such as:

- The itemization of the amount financed option (See Samples H-12 through H-15).
- The credit life and disability insurance disclosures (See Samples H-11 and H-12).
- The property insurance disclosures (See Samples H-10 through H-12, and H-14).
- The "filing fees" and "non-filing insurance" disclosures (See Samples H-11 and H-12).
- The prepayment penalty and rebate disclosures (See Samples H-12 and H-14).

Other permissible changes include:

- Combining required terms where several numerical disclosures are the same, for instance, if the "total of payments" equals the "total sale price."
- Rearranging the sequence or location of the disclosures—for instance, by placing the descriptive phrases outside the boxes containing the corresponding disclosures, or by grouping the descriptors together as a glossary of terms in a separate section of the "federal box".
- By changing the order of the disclosures in the boxes, including the annual percentage rate and finance charge boxes.
- Using brackets, instead of checkboxes, to indicate alternative disclosures.
- Using a line for the consumer to initial, rather than a checkbox, to indicate an election to receive an itemization of the amount financed.
- Adding or deleting captions for disclosures.
- Using a symbol, such as an asterisk, for estimated disclosures, instead of an "e".
- Adding a signature line to the insurance disclosures to reflect joint policies.
- Separately itemizing the filing fees.
- Revising the late charge disclosure to reflect the fact that the lesser of two charges may be imposed or that charges are subject to a maximum limit, or to briefly describe what constitutes a late payment (for instance, "any payment received 15 days after the due date").

2. *Model H-3.* Creditors have considerable flexibility in filling out Model H-3 (itemization of the amount financed) since the categories listed are not mutually exclusive. Any prepaid finance charge, however, must be listed in that category although it also may be listed as a fee paid to third parties if applicable. In the category of "amount paid to you directly", creditors may include checks that are payable jointly to a consumer and a third party. Appropriate revisions may be made to this form without loss of protection from civil liability for proper use of the model forms. For example, creditors may:

- Rearrange the sequence of the disclosures.
- Present the disclosures in a mathematical progression—for example by showing the sum of the "amount paid directly to you", "amount paid on your account" and "amounts paid to others" as a subtotal, from which is subtracted the prepaid finance charge, to reach the amount financed.

- Include additional categories, such as cash price and downpayment.
- Identify certain third party payees (public officials, government agencies, credit bureaus, appraisers, and insurance companies) by names, rather than in generic or other general terms.

3. *Model H-4.* This model contains the variable rate model clauses and is intended to give creditors considerable flexibility in structuring variable rate disclosures to fit individual plans. Clauses are shown for hypothetical examples based on the specific amount of the transaction and based on a representative amount. Creditors may preprint the variable rate disclosures based on a representative amount for similar types of transactions, instead of constructing an individualized example for each transaction. In both representative examples and transaction-specific examples, creditors may refer either to the incremental change in rate, payment amount, or number of payments, or to the resulting rate, payment amount, or number of payments. For example, creditors may state that the rate will increase by 2%, with a corresponding \$150 increase in the payment, or creditors may state that the rate will increase to 16%, with a corresponding payment of \$850.

4. *Model H-5.* This contains the demand feature clause.

5. *Model H-6.* This contains the assumption clause.

6. *Model H-7.* This contains the required deposit clause.

7. *Models H-8 and H-9.* These models contain the rescission notices for a typical closed-end transaction and a refinancing, respectively. The last paragraph of each model form contains a blank for the date by which the consumer's notice of cancellation must be sent or delivered. A parenthetical is included to address the situation in which the consumer's right to rescind the transaction exists beyond three business days following the date of the transaction, for example, where the notice or material disclosures are delivered late or where the date of the transaction in (1) of the notice is an estimate. The language of the parenthetical is not optional.

8. *Sample H-10.* This sample illustrates an automobile credit sale. The cash price is \$7,500 with a downpayment of \$1,500. There is an 8% add-on interest rate and a term of 3 years, with 36 equal monthly payments. The credit life insurance premium and the filing fees are financed by the creditor. There is a \$25 credit report fee paid by the consumer before

consummation, which is a prepaid finance charge.

9. *Sample H-11.* This sample illustrates an installment loan. The amount of the loan is \$5,000. There is a 12% simple interest rate and a term of 2 years. The date of the transaction is expected to be April 15, 1981, with the first payment due on June 1, 1981. The first payment amount is labelled as an estimate since the transaction date is uncertain. The odd days' interest (\$26.67) is collected with the first payment. The remaining 23 monthly payments are equal.

10. *Sample H-12.* This sample illustrates a refinancing and consolidation loan. The amount of the loan is \$5,000. There is a 15% simple interest rate and a term of 3 years. The date of the transaction is April 1, 1981, with the first payment due on May 1, 1981. The first 35 monthly payments are equal, with an odd final payment. The credit disability insurance premium is financed. In calculating the annual percentage rate, the U.S. rule has been used. Since an itemization of the amount financed is included with the disclosures, the statement regarding the consumer's option to receive an itemization is deleted.

11. *Samples H-13 through H-15.* These samples illustrate various mortgage transactions. They assume that the mortgages are subject to the Real Estate Settlement Procedures Act (RESPA). As a result, no option regarding the itemization of the amount financed has been included in the samples, because providing the good faith estimates of settlement costs required by RESPA satisfies Truth in Lending's amount financed itemization requirement. (See footnote 39 to § 226.18(c).)

12. *Sample H-13.* This sample illustrates a mortgage with a demand feature. The loan amount is \$44,900, payable in 360 monthly installments at a simple interest rate of 14.75%. The fifteen days of interim interest (\$294.34) is collected as a prepaid finance charge at the time of consummation of the loan (April 15, 1981). In calculating the disclosure amounts, the minor irregularities provision in § 226.17(c)(4) has been used. The property insurance premiums are not included in the payment schedule. This disclosure

statement could be used for notes with the seven-year call option required by the Federal National Mortgage Association (FNMA) in states where due-on-sale clauses are prohibited.

13. *Sample H-14.* This sample illustrates a variable rate mortgage. The loan amount is \$44,900, payable in 360 monthly installments at an initial interest rate of 14.75%. All payment periods are regular. Two points (\$898) have been imposed and included in the prepaid finance charge. The note provides that the interest rate may vary with the lender's prime rate, with a maximum permissible increase of 5% over the term of the mortgage. The interest rate may not vary more frequently than once a year, and may not increase by more than 1% annually. Rate fluctuations will be reflected in the monthly payment amount.

14. *Sample H-15.* This sample illustrates a graduated payment mortgage with a five-year graduation period and a 7½ percent yearly increase in payments. The loan amount is \$44,900, payable in 360 monthly installments at a simple interest rate of 14.75%. Two points (\$898), as well as an initial mortgage guarantee insurance premium of \$225.00, are included in the prepaid finance charge. The mortgage guarantee insurance premiums are calculated on the basis of ¼ of 1% of the outstanding principal balance under an annual reduction plan. The abbreviated disclosure permitted under § 226.18(g)(2) is used for the payment schedule for years 6 through 30. The prepayment disclosure refers to both penalties and rebates because information about penalties is required for the simple interest portion of the obligation and information about rebates is required for the mortgage insurance portion of the obligation.

References

Statute: §§ 105, 130.

1981 changes: The model forms and clauses have no counterpart in the old regulation.

Appendix I—Federal Enforcement Agencies

Statute: § 108.

Appendix J—Annual Percentage Rate Computations for Closed-End Credit Transactions

1. *Use of Appendix J.* Appendix J sets forth the actuarial equations and instructions for calculating the annual percentage rate in closed-end credit transactions. While the formulas contained in this appendix may be directly applied to calculate the annual percentage rate for an individual transaction, they may also be utilized to program calculators and computers to perform the calculations.

2. *Relation to Board tables.* The Board's Annual Percentage Rate Tables also provide creditors with a calculation tool which applies the technical information in Appendix J. An annual percentage rate computed in accordance with the instructions in the tables is deemed to comply with the regulation. Volume I of the tables may be used for credit transactions involving equal payment amounts and periods, as well as for transactions involving any of the following irregularities: odd first period, odd first payment and odd last payment. Volume II of the tables may be used for transactions which involve any type of irregularities. These tables may be obtained from any Federal Reserve Bank or from the Board in Washington, D.C. 20551, upon request.

References

Statute: § 107.

Other sections: § 226.22.

Previous regulation: § 226.40 (Supplement I).

1981 changes: Paragraph (b)(2) has been revised to clarify that the term of the transaction never begins earlier than consummation of the transaction. Paragraph (b)(5)(vi) has been revised to permit creditors in all cases where the transaction term equals a whole number of months, to use either the 12-month method or the 365-day method to compute the number of unit-periods per year.

Board of Governors of the Federal Reserve System, May 20, 1981.

James McAfee,

Assistant Secretary of the Board.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited.

Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of May 31 through June 6, 1981

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

- 19817 4-1-81 / Change in disease status of the Channel Islands and Great Britain (England, Scotland, Wales, and Isle of Man), because of foot-and-mouth-disease; comments by 6-1-81

Federal Grain Inspection Service—

- 19699 3-31-81 / U.S. standards for rough rice, brown rice for processing and milled rice; comments by 6-1-81

Food Safety and Quality Service—

- 25097 5-5-81 / U.S. standards for grades of canned ripe olives; comments by 6-4-81

Rural Electrification Administration—

- 19500 3-31-81 / Revision of REA Bulletin 80-11, "Reports of Progress of Construction and Engineering Services"; comments by 6-1-81

- 19500 3-31-81 / Revision of REA Specification DT-5C:PE-9, "Wood Poles, Stubs, and Anchor Logs and the Preservative Treatment of These Materials"; comments by 6-1-81

CIVIL AERONAUTICS BOARD

- 20563 4-6-81 / Liberalization of rules for indirect cargo air carriers; comments by 6-5-81

DEFENSE DEPARTMENT

Office of the Secretary—

- 24964 5-4-81 / Implementation of the Civilian Health and Medical Program of the Uniform Services; comments by 6-3-81

EDUCATION DEPARTMENT

- 19000 3-27-81 / Review of regulations and interpretations; comments by 5-31-81

ENERGY DEPARTMENT

- 25302 5-6-81 / Procurement regulations; comments by 6-5-81
Economic Regulatory Administration—

- 25315 5-6-81 / Tertiary incentive program in the Crude oil price regulations; comments by 6-5-81

Federal Energy Regulatory Commission—

- 25643, 5-8-81 / High-cost natural gas produced from tight formations; price; Colorado (2 documents); comments by 6-3-81

- 17023 3-17-81 / Revision of Commission Rules of Practice; comments by 6-1-81

ENVIRONMENTAL PROTECTION AGENCY

- 24596 5-1-81 / Air pollution; stack height emission limitation control additional technical information; comments by 6-1-81

- 24597 5-1-81 / Air quality Connecticut State Implementation Plan; fuels with higher sulfur content; comments by 6-1-81
[Corrected at 46 FR 25659, 5-8-81]

- 20235 4-3-81 / Air quality, Iowa; designation of acres for planning purposes; comments by 6-2-81

- 24601 5-1-81 / Air quality, Maryland State Implementation Plan, amendments, comments by 6-1-81

- 24604 5-1-81 / Air quality, Missouri; redesignation of areas for planning purposes; comments by 6-1-81

- 25324 5-6-81 / Designation of areas for air quality planning purposes: Attainment status designations—Nevada and California; comments by 6-5-81

- 25325 5-6-81 / Designation of areas for air quality planning purposes: ozone attainment status—Utah; comments by 6-5-81

- 25322 5-6-81 / Georgia: Bubble action of the ITT Rayonier, Inc. in Jesup, Ga.; comments by 6-5-81

- 24948 5-4-81 / High-altitude emission standards for 1982 and 1983 model year light-duty motor vehicles; final rule; comments by 6-3-81
- 24968 5-4-81 / Kansas application for Interim Authorization, Phase I, Hazardous Wastes Management Program; comments by 6-3-81
- 25113 5-5-81 / National emission standards for hazardous air pollutants; Benzene emissions from Ethylbenzene/Styrene plants; comments by 6-1-81
- 24966 5-4-81 / Ohio State Implementation Plan; sulfur dioxide (502) for Lucas County; comments by 6-3-81
- 24605 5-1-81 / Pesticides; ammonium thiocyanate; exemption from tolerance requirements when used for cotton and soybeans; comments by 6-1-81
- 24214 4-30-81 / Redesignation of attainment status for the District of Columbia; comments by 6-1-81
- 24967 5-4-81 / Revisions to New Hampshire State Implementation Plan; comments by 6-3-81
- 19829 4-1-81 / Revision to the New York State implementation plan; comments by 6-1-81
- FEDERAL COMMUNICATIONS COMMISSION**
- 152976 3-5-81 / Competitive common carrier services and facilities authorizations; rates and deregulatory approaches; reply comments period extended to 6-5-81 [See also 46 FR 10924, 2-5-81]
- 26509 5-13-81 / FM broadcast station in Ansley, Ala., change in table of assignments; comments extended to 6-3-81 [See also 46 FR 17809, 3-20-81]
- 22006 4-15-81 / FM broadcast Station in Bay City, Tex., changes in table of assignments; comments by 6-1-81
- 22008 4-15-81 / FM broadcast Stations in Beaumont, Lake Jackson and Port Lavaca, Tex., changes in table of assignments; comments by 6-1-81
- 26798 5-15-81 / FM broadcast stations in Fort Bragg and Mendocino, Calif.; reply comments by 6-5-81 [See also 46 FR 17810, 3-20-81]
- 22769 4-21-81 / FM Broadcast Station in Freeport, Texas; changes in table of assignments; comments by 6-1-81
- 22770 4-21-81 / FM Broadcast Station in Lockhart, Texas; changes in table of assignments; comments by 6-1-81
- 22400 4-17-81 / FM broadcast stations in Montpelier, Stowe, Vergennes, and Waterbury, Vermont; and Marish and Port Henry, N.Y.; changes in table of assignment; comments by 6-2-81
- 8048 1-26-81 / Petition to reallocate VHF-TV Channel 9 from New York, N.Y. to a city within the city grade contour of station WOR-TV; reply comments by 6-5-81
- 16692 3-13-81 / Radio services, special marine stations; Safety of Life at Sea Convention; operational standards; reply comments by 6-1-81
- 22624 4-20-81 / Talk-around in the Private Land Mobile Radio Services on shared conventional channels above a specific frequency band; comments by 6-4-81
- 19267 3-30-81 / TV broadcast stations in Arcata and Eureka, Calif.; changes in table of assignments; reply comments by 6-4-81
- 26663 5-14-81 / TV broadcast station in Santa Barbara, Calif.; changes in table of assignments; reply comment period extended to 6-5-81 [See also 45 FR 28770, 4-11-80]
- 19269 3-30-81 / TV broadcast station in Orchard, Nebr.; changes in table of assignments; reply comments by 6-4-81
- 19005 3-27-81 / TV broadcast station in Conder, Wyo.; changes in table of assignments; reply comments by 6-1-81
- INTERIOR DEPARTMENT**
- Indian Affairs Bureau—
- 16916 3-16-81 / Tribal regulation of reserved waters on Indian reservations; comment period extended to 6-6-81 [Originally published at 46 FR 944, 1-5-81]

Land Management Bureau—

- 24139 4-29-81 / Amendment to provide segregation for States indemnity lands; comments by 6-1-81

INTERSTATE COMMERCE COMMISSION

- 25326 5-6-81 / Changes in the fee schedule; comments by 6-5-81

JUSTICE DEPARTMENT

Attorney General—

- 24213 4-30-81 / Exemption of records systems under the Privacy Act; comments by 6-1-81

Drug Enforcement Administration—

- 24593 5-1-81 / Schedules of controlled substances; placement of fenethylline into schedule I; comments by 6-2-81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

- 22764 4-21-81 / Reevaluation and reconsideration of the occupational health standards regulating exposure to lead; comments by 6-1-81

Wage and Hour Division, Employment Standards Administration—

- 25108 5-5-81 / Employment of homeworkers in certain industries; comments by 6-4-81

NATIONAL CREDIT UNION ADMINISTRATION

- 22003 4-15-81 / Federal Credit Union insurance and group purchasing activities; comments by 6-1-81

PERSONNEL MANAGEMENT OFFICE

- 20213 4-3-81 / Displaced employee program; revision and updating of basic provisions; comments by 6-2-81

POSTAL SERVICE

- 25109 5-5-81 / Third-class bulk rate merchandise samples; comments by 6-4-81

SECURITIES AND EXCHANGE COMMISSION

- 21020 4-8-81 / Financial statement requirements applicable to insurance companies, proposed revision; comments by 6-1-81
- 15178 3-4-81 / Records not obtained by the Commission; comments by 6-1-81

Deadlines for Comments on Proposed Rules for the Week of June 7 through June 13, 1981**ADMINISTRATIVE CONFERENCE OF THE UNITED STATES**

- 26487 5-13-81 / Separation of functions in agency proceedings; draft recommendations; comments by 6-12-81

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

- 21143 4-9-81 / Gypsy moth regulated areas list; final rule; comments by 6-8-81
- 21148 4-9-81 / Pink bollworm regulated areas list; final rule; comments by 6-8-81

Rural Electrification Administration—

- 21367 4-10-81 / Electric and telephone borrowers; Telecommunications program (Bulletin 345-3); acceptance of standards, specifications equipment contract forms, etc.; comments by 6-9-81

CIVIL AERONAUTICS BOARD

- 21185 4-7-81 / Air carriers; amendment of fuel cost, and consumption reporting provisions; comments by 6-8-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

- 27147 5-18-81 / Fishery management plan for Atlantic Sea Scallops, (*Placopecten magellanicus* prepared by New England Fishery Management Council; comments by 6-11-81

- 23958 4-29-81 / Mid-Atlantic Fishery Management Council, Fishery Management Plan; comments by 6-8-81
COMMODITY FUTURES TRADING COMMISSION
- 20679 4-7-81 / Proficiency examinations for associated persons; delegation of authority; comments by 6-8-81
CONSUMER PRODUCT SAFETY COMMISSION
- 26262 5-11-81 / Chain saws and their components and replacement parts; proceeding to develop a consumer product safety standard; comments by 6-10-81
ENERGY DEPARTMENT
Conservation and Renewable Energy, Office of the Assistant Secretary—
- 25466 5-7-81 / Residential energy efficiency program; compliance with the Regulatory Flexibility Act; comments by 6-8-81
Federal Energy Regulatory Commission—
- 26353 5-12-81 / Request for a declaratory order from the Commonwealth of Massachusetts clarifying the method of calculation of avoided cost of an all requirements utility; comments by 6-11-81
ENVIRONMENTAL PROTECTION AGENCY
- 1165 1-5-81 / Air pollutants, hazardous; national emission standards for benzene fugitive emissions; comments by 6-8-81
[Comment period extended at 46 FR 9960, 1-29-81]
- 26506 5-13-81 / Air quality control regions, criteria and control techniques; attainment status designations: Ohio; comments by 6-12-81
- 25485 5-7-81 / Air quality revision of the Virginia State Implementation Plan; comments by 6-8-81
- 26074 5-11-81 / Approval and promulgation of State Implementation plans; Arkansas submission of volatile organic compound (VOC) regulation for Set II Control Technique Guideline Sources; comments by 6-10-81
- 26504 5-13-81 / Approval and promulgation of State plans for designated facilities and pollutants: Idaho; comments by 6-12-81
- 26504 5-13-81 / Designation of areas for air quality planning purposes; attainment status designations: Minnesota; comments by 6-12-81
- 20698 4-7-81 / Lead-in-gasoline test procedure; comments by 6-8-81
- 26355 5-12-81 / Massachusetts; designations of areas for air quality planning purposes; redesignation of attainment areas—primary and secondary sulfur dioxide standards; comments by 6-11-81
- 21769 4-14-81 / Performance of new stationary sources: Coal preparation plants, review of standards; comments by 6-15-81
- 26499 5-13-81 / Revision of the Pennsylvania State Implementation plan; comments by 6-12-81
- 26075 5-11-81 / State and Federal Administrative Enforcement of Implementation Plan requirements after statutory deadlines; administrative order issued by New Jersey Department of Environmental Protection to Owens-Illinois, Inc.; comments by 6-10-81
- 21396 4-10-81 / Water pollution, pulp, paper, paperboard and builders paper and roofing felt, point source categories effluent limitations guidelines, pretreatment standards, and new source performance standards; comment period extended to 6-9-81
[See also 46 FR 1430, 1-6-81, and 46 FR 15287, 3-5-81]
- FEDERAL COMMUNICATIONS COMMISSION**
- 22215 4-16-81 / Amendments to registration standards; comments by 6-12-81
- 17233 3-18-81 / Automation of the use of measurement data for AM broadcast stations; reply comments extended to 6-8-81
[See also 45 FR 82973, 12-17-80]
- 23498 4-27-81 / FM broadcast station in Brownsville, Edinburg, Harlingen, Raymondville, Rio Grande City, Texas; changes in table of assignments; comments by 6-9-81
- 23496 4-27-81 / FM broadcast station in Gurdon, Arkansas; changes in table of assignments; comments by 6-9-81
- 23497 4-27-81 / FM broadcast station in Milan, Georgia; changes in table of assignments; comments by 6-9-81
- 22910 4-22-81 / FM broadcast stations in Mountain Home and Marshall, Ark., and Thayer, Mo.; reply comments extended to 6-11-81
[See also 46 FR 15298, 3-5-81]
- 23774 4-28-81 / FM broadcast station: Weed, Calif.; change in table of assignments; comments by 6-9-81
FEDERAL LABOR RELATIONS AUTHORITY
- 26488 5-13-81 / Case processing; representation, unfair labor practice, negotiability, and arbitration cases and procedural requirements for parties in cases before authority; comments by 6-12-81
FEDERAL TRADE COMMISSION
- 21019 4-8-81 / Children's advertising, proposed termination of proceeding; comments by 6-8-81
HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration—
- 25602 5-8-81 / Antibiotic drugs; bacampicillin hydrochloride certification; comments by 6-8-81
- 25604 5-8-81 / Antibiotic drugs; sterile cefotaxime sodium certification; comments by 6-8-81
- 25607 5-8-81 / Antibiotic drugs certification; corrections and technical changes; comments by 6-8-81
[See also 39 FR 18922, 5-30-74]
- INTERIOR DEPARTMENT**
Mines Bureau—
- 25653 5-8-81 / Helium, sales and rental of containers from the Bureau of Mines; comments by 6-10-81
National Park Service—
- 23389 4-24-81 / Integral vistas associated with visibility protection for Federal class I areas, identification; guideline availability and preliminary list; reopening of comment period; comments by 6-8-81
[See also 46 FR 3646, 1-15-81]
- Surface Mining Reclamation and Enforcement Office—
- 20688 4-7-81 / Abandoned mine land reclamation program; comments by 6-8-81
- 22902 4-22-81 / Interim and permanent regulatory modifications; comments by 6-8-81
INTERSTATE COMMERCE COMMISSION
- 22911 4-22-81 / Practices of motor common carriers of passengers—checked baggage prohibitions and liability exemptions; comments by 6-8-81
LABOR DEPARTMENT
Employment and Training Administration—
- 27462 5-19-81 / Comprehensive Employment and Training Act; Amendments to Title VII and Public service employment base average annual wage provisions; comments by 6-8-81
[See also 46 FR 25645, 5-8-81]
- Occupational Safety and Health Administration—
- 23740 4-28-81 / Access to employee exposure and medical records; constructive industry; administrative stay; comments by 6-12-81
PERSONNEL MANAGEMENT OFFICE
- 21355 4-10-81 / Life insurance, Federal employees; basic and optional plans, correction; participation requirement for continuation of life insurance during receipt of workers' compensation; comments by 6-9-81

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration—

- 21634 4-13-81 / Installation of a single center, high-mounted stoplamp on passenger cars, in addition to the stoplamp presently required; comments by 6-10-81

[See also 46 FR 2132; 1-8-81]

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

- 21197 4-9-81 / Consideration of establishment of a viticultural area in Mendocino County, Calif.; comments by 6-8-81
- 21194 4-9-81 / Consideration of establishment of a viticultural area in San Luis Obispo County, Calif.; comments by 6-8-81

- 21623 4-13-81 / Designation of a viticultural area in Amador County, Calif. to be known as "Shenandoah Valley," comments by 6-12-81

Customs Service—

- 21194 4-9-81 / Amendments to "country of origin" determination provisions; comments by 6-8-81

Internal Revenue Service—

- 26660 5-14-81 / Proposed excise tax regulations under the Crude Oil Windfall Profit Tax Act of 1980; comments by 6-8-81

VETERANS ADMINISTRATION

- 26499 5-13-81 / Veterans education: Advance payment of educational assistance allowance; comments by 6-12-81

Next Week's Meetings**ARTS AND HUMANITIES, NATIONAL FOUNDATION**

- 26718 5-14-81 / Expansion Arts Panel, Washington, D.C. (partially open), 6-3 through 6-5-81
- 26957 5-15-81 / Humanities panel, Washington, D.C. (closed), 6-1, 6-2, 6-4 and 6-5-81
- 27206 5-18-81 / Literature Panel, Washington, D.C. (partially open), 6-4 and 6-5-81
- 26718 5-14-81 / Theater Panel (Intermediate Companies Section), Washington, D.C. (partially open), 6-4 and 6-5-81
- 27206 5-18-81 / Visual Arts Panel, Washington, D.C. (closed), 6-4 and 6-5-81

CIVIL RIGHTS COMMISSION

- 27150 5-18-81 / Georgia Advisory Committee, Atlanta, Ga. (open), 6-5-81
- 27150 5-18-81 / Illinois Advisory Committee, Chicago, Ill. (open), 6-1-81
- 27150 5-18-81 / Virginia Advisory Committee, Norfolk, Va. (open), 6-4-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

- 26672 5-14-81 / National Climate Program Advisory Committee, Washington, D.C. (open), 6-4 and 6-5-81

DEFENSE DEPARTMENT

Army Department—

- 25336 5-6-81 / Army Science Board (ASB), Washington, D.C. (closed), 6-2 and 6-3-81

Navy Department—

- 22256 4-16-81 / Board of Advisors to the President, Naval War College, Newport, R.I. (open), 6-4-81
- 23283 4-24-81 / Board of Visitors for National Defense University and Defense Intelligence School, National Defense University Panel, Washington, D.C. (open), 6-2-81

Office of the Secretary—

- 22025 4-15-81 / Defense Intelligence Agency Advisory Committee, Washington, D.C. (closed), 6-2 and 6-3-81
- 22923 4-22-81 / Wage Committee, Washington, D.C. (closed), 6-2-81

EDUCATION DEPARTMENT

- 23525 4-27-81 / Black Higher Education and Black Colleges and Universities, National Advisory Committee, Houston, Tex. (open), 6-1 and 6-2-81

ENERGY DEPARTMENT

- 26807 5-15-81 / Inactive Uranium Mill Tailings Site and Vicinity Properties in and near Canonsburg, Pa.; Compliance with the National Environmental Policy Act, Pennsylvania (open), 6-3 and 6-4-81

ENVIRONMENTAL PROTECTION AGENCY

- 23982 4-29-81 / National Air Pollution Control Techniques Advisory Committee, Alexandria, Va. (open), 6-2 and 6-3-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse and Mental Health Administration—

- 26695 5-14-81 / Epidemiologic and Services Research Review Committee, Washington, D.C. (partially open), 6-1 through 6-4-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

- 26561 5-13-81 / Federal Activities for Alcohol Abuse and Alcoholism, Treatment and Rehabilitation Work Group Interagency Committee, Rockville, Md. (open), 6-2-81

Food and Drug Administration—

- 26869 5-15-81 / Consumer Exchange meeting, Detroit, Mich., and Pittsburgh, Pa. (open), 6-4-81

- 26869 5-15-81 / Miscellaneous Internal Drug Products Panel, Rockville, Md. (open), 6-5-81

National Institute for Occupational Safety and Health—

- 24998 5-4-81 / Chemical Protective Clothing, Rockville, Md. (open), 6-3-81

National Institutes of Health—

- 24301 4-30-81 / Animal Resources Review Committee, Bethesda, Md. (partially open), 6-3 and 6-4-81

- 26873 5-15-81 / Board of Scientific Counselors, Division of Resources, Centers, and community Activities, Bethesda, Md. (open), 6-4 and 6-5-81

- 28015 5-22-81 / Biomedical Library Review Committee, Bethesda, Md. (partially open), 6-10 and 6-11-81

- 24302 4-30-81 / Board of Scientific Counselors, National Institute of Arthritis, Diabetes and Digestive and Kidney Diseases, Bethesda, Md. (partially open), 6-4 through 6-6-81

- 21449 4-10-81 / Dental Research National Advisory Council, Bethesda, Md. (partially open), 6-4 and 6-5-81

- 22463 4-17-81 / Environmental Health Sciences National Advisory Council, Bethesda, Md. (partially open), 6-1 and 6-2-81

- 24302 4-30-81 / General Medical Sciences National Advisory Council, Bethesda, Md. (partially open), 6-4 and 6-5-81

- 24714 5-1-81 / Large Bowel and Pancreatic Cancer Review Committee, Large Bowel Cancer Review Subcommittee, Schiller Park, Ill. (partially open), 6-1 and 6-2-81

- 24715 5-1-81 / Large Bowel and Pancreatic Cancer Review Committee, Pancreatic Cancer Review Subcommittee, New Orleans, La. (partially open), 6-4 and 6-5-81

- 28018 5-22-81 / National Advisory Eye Council Vision Research Program Planning Subcommittee, Bethesda, Md. (partially open), 6-1 through 6-3-81
- 24303 4-30-81 / National Arthritis, Diabetes and Digestive and Kidney Diseases Advisory Council, Bethesda, Md. (partially open), 6-1 and 6-2-81
- 24712 5-1-81 / Research Grants Division, Bacteriology & Mycology Study Section, Bethesda, Md. (partially open), 6-4 through 6-6-81
- 24712 5-1-81 / Research Grants Division, Behavioral Medicine Study Section, Washington, D.C. (partially open), 6-3 through 6-5-81
- 24712 5-1-81 / Research Grants Division, Biomedical Sciences A Study Section, Bethesda, Md. (partially open), 6-4 through 6-6-81
- 24712 5-1-81 / Research Grants Division, Cell Biology Study Section, Bethesda, Md. (partially open), 6-4 through 6-6-81
- 24712 5-1-81 / Research Grants Division, Experimental Immunology Study Section, Washington, D.C. (partially open), 6-4 through 6-6-81
- 24712 5-1-81 / Research Grants Division, Immunobiology Study Section, Bethesda, Md. (partially open), 6-3 through 6-5-81
- 24712 5-1-81 / Research Grants Division, Metabolism Study Section, Bethesda, Md. (partially open), 6-4 through 6-6-81
- 24712 5-1-81 / Research Grants Division, Molecular Biology Study Section, Georgetown, D.C. (partially open), 6-4 through 6-6-81
- 24712 5-1-81 / Research Grants Division, Pharmacology Study Section, Bethesda, Md. (partially open), 6-2 through 6-4-81
- 24712 5-1-81 / Research Grants Division, Surgery, Anesthesiology & Trauma Study Section, Arlington, Va. (partially open), 6-1 through 6-2-81
- 22465 4-17-81 / Sickle Cell Disease Advisory Committee, Bethesda, Md. (open), 6-1 and 6-2-81
- 24300 4-30-81 / Transplantation Biology and Immunology Committee, Bethesda, Md. (partially open), 6-1-81

INTERIOR DEPARTMENT

Land Management Bureau—

- 23997 4-29-81 / Idaho Falls District Grazing and Advisory Board, Idaho Falls, Idaho (open), 6-4-81
- 23998 4-29-81 / Miles City District Advisory Council, Broadus, Mont. (open), 6-5-81
- 21248 4-9-81 / Prineville District Advisory Council, Prineville, Oreg. (open), 6-4-81
- 25566 5-7-81 / Socorro District Grazing Advisory Board, Socorro, N. Mex. (open), 6-2-81
- 23818 4-28-81 / Use of helicopters to gather wild horses, Battle Mountain, Nevada (open), 6-3-81
- 24716 5-1-81 / Wilderness in Royal Gorge and San Luis Resource Areas, Colorado; management framework plan amendments, Alamosa, Calif. (open), 6-2-81
- 23125 4-23-81 / Winnemucca District Multiple Use Advisory Council, Gerlach, Nev. (open), 6-4 and 6-5-81

JUSTICE DEPARTMENT

- 26945 5-15-81 / Violent Crime, Attorney General's Task Force on, Los Angeles, Calif. (open), 6-2 and 6-3-81

LABOR DEPARTMENT

Employment and Training Administration—

- 27417 5-19-81 / Apprenticeship Federal Committee on, Acme, Mich. (open), 6-3 through 6-5-81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

- 27423 5-19-81 / NASA Advisory Council, Aeronautics Advisory Committee, Washington, D.C. (open), 6-3, 6-4, and 6-5-81

- 25378 5-6-81 / NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Materials and Structures, Washington, D.C. (open), 6-2 and 6-3-81
- 25378 5-6-81 / Space and Terrestrial Applications Steering Committee (STASC), Proposal Evaluation Advisory Subcommittee, Greenbelt, Md. (closed), 6-1 through 6-5-81

NATIONAL SCIENCE FOUNDATION

- 25733 5-8-81 / Engineering and Applied Science Advisory Committee, Earthquake Hazards Mitigation Subcommittee, Washington, D.C. (open), 6-1 and 6-2-81

NUCLEAR REGULATORY COMMISSION

- 26203 5-11-81 / Decontamination of Three Mile Island Advisory Panel, Unit 2, Lancaster, Pa. (open), 6-4-81
- 26958 5-15-81 / Reactor Safeguards Advisory Committee, Nuclear Safety Research Program Subcommittee, Washington, D.C. (partially open), 6-3-81
- 26958 5-15-81 / Reactor Safeguards Advisory Committee, Reliability and Probabilistic Assessment Subcommittee, Washington, D.C. (partially open), 6-3-81
- 24337 4-30-81 / Safety Goal Project, Garden Grove, Calif. (open), 6-4-81

[Rescheduled at 46 FR 28721, 5-14-81]

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIP

- 26209 5-11-81 / Annual Selection for White House Fellows, Washington, D.C. (closed), 6-4 through 6-8-81

RAILROAD RETIREMENT BOARD

- 25379 5-6-81 / Actuarial Advisory Committee, Chicago, Ill. (open), 6-3-81

STATE DEPARTMENT

Office of the Secretary—

- 25746 5-8-81 / Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Carriage of Dangerous Goods Working Group, Washington, D.C. (open), 6-4-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

- 26211 5-11-81 / Radio Technical Commission for Aeronautics (RTCA), Special Committee 136-Installation of Emergency Locator Transmitters (ELT) in Aircraft, Washington, D.C. (open), 6-2 and 6-3-81

National Highway Traffic Safety Administration—

- 7123 1-22-81 / Safety Standards International Harmonization: Group of Reporters on Safety Provisions for Motor Coaches and Buses, Twenty-fifth Sessions, Frankfurt, Germany, 6-1 through 6-4-81

Next Week's Public Hearings**COMMERCE DEPARTMENT**

National Oceanic and Atmospheric Administration—

- 27147 5-18-81 / Fishery management plan for Atlantic Sea Scallops (*Placopecten magellanicus*) prepared by the New England Fishing Management Council, 6-4-81, Mantea, N.C.
- 6-5-81, Morehead City, N.C.

- 26093 5-11-81 / St. Thomas National Marine Sanctuary, draft environmental impact statement, St. Thomas, Virgin Islands, 6-3-81

COMMODITY FUTURES TRADING COMMISSION

- 23101 4-23-81 / National Futures Association ("NFA"); application for registration as a registered futures association, Washington, D.C., 6-4-81

DEFENSE DEPARTMENT

Navy Department—

- 27749 5-21-81 / Feral Burro Management at the Naval Weapons Center, China Lake, Calif., Kern County, Calif., 6-3-81

DEFENSE DEPARTMENT**Navy Department—**

- 19969 4-2-81 / Naval Discharge Review Board, Boston, Mass. and Dallas, Tex. 6-1 through 6-5-81

ENERGY DEPARTMENT**Federal Energy Regulatory Commission—**

- 24585 5-1-81 / Natural gas; sales and transportation by interstate pipelines and distributors; Washington, D.C., 6-5-81
- Western Area Power Administration—
- 19808 3-31-81 / Power allocation applications; power marketing plan; draft plan recommendations, Sacramento, Calif., 6-2-81

ENVIRONMENTAL PROTECTION AGENCY

- 24968 5-4-81 / Kansas application for interim authorization, Phase I. Hazardous Wastes Management Program; Topeka, Kan., 6-3-81
- Health and Human Services Department Food and Drug Administration—
- 24551 5-1-81 / Polychlorinated Biphenyls (PCBs) in fish and shellfish, Rockville, Md., 6-3-81
- (See also 44 FR 3830, 6-29-79, and 44 FR 57389, 10-5-79)

INTERNATIONAL TRADE COMMISSION

- 17311 3-18-81 / Optic liquid-level sensing systems from Canada, Washington, D.C., 6-3-81

TREASURY DEPARTMENT**Internal Revenue Service—**

- 22395 4-17-81 / Withholding exemption certificates, Washington, D.C., 6-2-81

List of Public Laws**Last Listing May 5, 1981**

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

S. 730 / Pub. L. 97-11 To ensure necessary funds for the implementation of the Federal Crop Insurance Act of 1980. (May 22, 1981; 95 Stat. 13) Price: \$1.50.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

Deadlines for Comments on Proposed Rules

- 27314 5-18-81 / EPA—Grants for construction of treatment works; comments by 7-2-81

APPLICATIONS DEADLINES

- 27986 5-22-81 / Commerce/MBDA—Financial Assistance Application Announcement; apply by 6-22-81
- 27152 5-18-81 / Commerce/MBDA—Program to operate one San Francisco Region project for a twelve month period; apply 6-18-81
- 27608 5-20-81 / HHS/HDSO—Projects of national significance in developmental disabilities; apply by 7-20-81

MEETINGS

- 27181 5-18-81 / HHS/NIOSH—Safety and Occupational Health Study Section, Rockville, Md. (closed), 6-10 and 6-11-81
- 28015 5-22-81 / HHS/NIH—Biomedical Library Review Committee and the Subcommittee for the Review of Medical Library Resource Applications, Bethesda, Md. (partially open), 6-10 through 6-11-81
- 27181 5-18-81 / HHS/NIH—National Cancer Advisory Board Subcommittee on Centers and Construction, Bethesda, Md. (closed), 5-18-81
- 27206 5-18-81 / NFAH—Literature Panel (Residences for Writers Section); Washington, D.C. (partially open), 6-4 through 6-5-81
- 27206 5-18-81 / NFAH—Visual Arts Panel (Forums Section), Washington, D.C. (closed), 6-4 and 6-5-81

Other Items of Interest**ENVIRONMENTAL PROTECTION AGENCY**

- 27175 5-18-81 / EPA—Womens' Business Enterprise Policy for the Construction Grants Program; date of applicability deferred.
- 28057 5-22-81 / OPM—Intergovernmental Personnel Act Grant Program; reduced allocations of grant funds for fiscal year 1981.



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